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Superfund

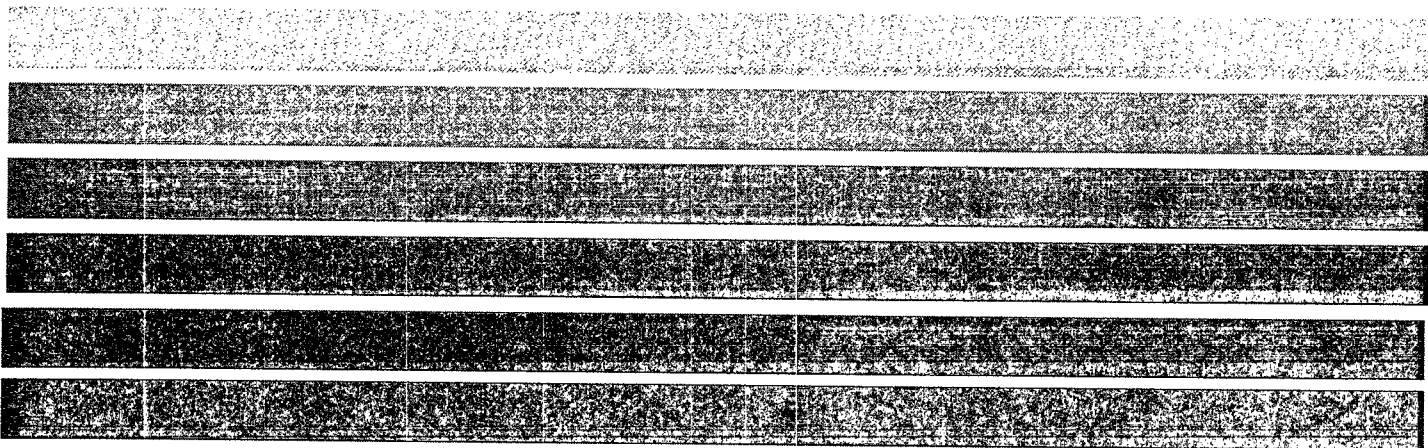


Superfund/Oil Program Implementation Manual Fiscal Year 99/00

*Program Implementation Guidance for OERR, OSRE, FFRRO,
FFEO and the Oil Program*

Program Goals and Planning Requirements

Program Implementation Procedures





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

26 JUNE 1998

MEMORANDUM

SUBJECT: FY 1999/2000 Superfund/Oil Program Implementation Manual
(SPIM)

FROM: *Robin Richardson*
Robin Richardson, Director
Planning Analysis & Resource Management, OERR

Neilima Senjalia, Chief *N. Senjalia*
Program Evaluation & Coordination Branch, OSRE

TO: Addressees

PURPOSE

The purpose of this document is to transmit the attached OSWER Directive 9200.3-14-1E, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year (FY) 1999/2000." This document is also available in WORDPERFECT and soon will be available on LOTUS NOTES and INTRANET.

BACKGROUND

The SPIM was last published in August 1997 for FY 1998 and is available on LOTUS NOTES. Two sets of change pages were published for the FY 1998 SPIM.

DOCUMENT

The manual has been revised to incorporate the Government and Performance Results Act (GPRA). Appendix H provides background and general information on GPRA. The following have been substantially revised: Chapter 2, "Program Planning & Reporting Requirements," Appendix A, "Site Screening & Assessment/Regional Decisions," and Appendix B, "Response Actions." Appendix J, "Community Involvement" is new to the SPIM. Chapter 3, "Superfund Financial Management," will be developed and distributed at a later time.

The SPIM will be amended as needed. Change pages with a Change Log will be issued to update the SPIM to reflect changes.

Please distribute this document to your Superfund managers and responsible staff. If you have any questions or comments, please contact Robert White, OERR/PARM (703-603-8873) or Sharon Cullen, OSRE/PPED (202-564-6037).



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
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Richard Jeng
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FY99/00 SPIM DEVELOPMENT SCHEDULE

| EVENT | SUBJECT MATTER EXPERTS (SME) RESP/PERSON | PLANNED START DATE | ACTUAL START DATE | PLANNED COMPLETION DATE | ACTUAL COMPLETION DATE |
|---|---|--------------------------|-------------------------|-------------------------------|---------------------------------------|
| DEVELOP SCHEDULE | R White | 20-Aug-97 | 20-Aug-97 | 12-Sep-97 | 12-Sep-97 |
| COMPILE FY99/00 SUPERFUND FOCUS FORUM (SFF) MATERIALS | F Schwabke/R White/T Benjalla | 02-Sep-97 | 02-Sep-97 | 16-Oct-97 | 16-Oct-97 |
| FY99/00 SFF | Hqtrs + Reg's | 03-Nov-97 | 03-Nov-97 | 06-Nov-97 | 06-Nov-97 |
| LIST ACTION ITEMS from SFF | R White, et al | 07-Nov-97 | 07-Nov-97 | 13-Nov-97 | 13-Nov-97 |
| WRITE MINUTES FOR MEETING | R White | 09-Nov-97 | 07-Nov-97 | 02-Dec-97 | 02-Dec-97 |
| KICK-OFF MEETING | R White | 25-Nov-97 | 25-Nov-97 | 25-Nov-97 | 25-Nov-97 |
| DEVELOP DRAFT MANUAL * SEE GPRA COMMENT BELOW | Contractor | 24-Nov-97 | 24-Nov-97 | 31-Dec-97 | 31-Dec-97 |
| REVIEW DRAFT | R White | 06-Jan-98 | 31-Dec-97 | 07-Jan-98 | 31-Dec-97 |
| CHANGE DRAFT & PRINT REVIEW COPIES | Contractor | 08-Jan-98 | 31-Dec-97 | 12-Jan-98 | 31-Dec-97 |
| DISTRIBUTE DRAFT FOR REVIEW | R White | 13-Jan-98 | 31-Dec-97 | 14-Jan-98 | 31-Dec-97 |
| SUBJECT MATTER EXPERT * (SME) REVIEW | Hqtrs | 14-Jan-98 | | 09-Feb-98 | |
| Chapter 1 | R White/et al | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 09-Feb-98 |
| Chapter 2 | Carasea/Blandford | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 26-Jan-98 |
| Chapter 3 | D Pipkin/A Ludington | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 30-Jan-98 |
| Appendix A | R Hoogerheide | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 04-Feb-98 |
| Appendix B | R White/et al | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 09-Feb-98 |
| Appendix C | S Cullen | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 09-Feb-98 |
| Appendix D | R Wynn | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 28-Jan-98 |
| Appendix E | W Johnson | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 30-Jan-98 |
| Appendix F | D Skalcup | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 11-Feb-98 |
| Appendix G | W Ross | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 01-Jan-98 |
| Appendix H | A Carasea | 14-Jan-98 | 31-Dec-97 | 09-Feb-98 | 30-Jan-98 |
| OSRE REVIEW/APPENDIX C | R White/OSRE | 22-Jan-98 | 22-Jan-98 | 22-Jan-98 | 22-Jan-98 |
| INCORPORATE CHANGES + COORDINATE ISSUES w/OSRE | Contractor | 10-Feb-98 | 10-Feb-98 | 24-Feb-98 | 24-Feb-98 |
| REVIEW DRAFT | R White | 25-Feb-98 | 24-Feb-98 | 26-Feb-98 | 03-Mar-98 OSRE Signed letter 3 MAR 98 |
| INCORPORATE CHANGES | Contractor | 27-Feb-98 | 03-Mar-98 | 02-Mar-98 | 04-Mar-98 |
| DISTRIBUTE DRAFT | R White | 03-Mar-98 | 04-Mar-98 | 04-Mar-98 | 04-Mar-98 |
| REVIEW DRAFT | Regions + Hqtrs | 05-Mar-98 | 05-Mar-98 | 20-Apr-98 | 20-Apr-98 |
| PREPARE NOTEBOOKS | Contractor | 21-Apr-98 | 21-Apr-98 | 21-May-98 | 21-May-98 |
| REVIEW NOTEBOOKS | R White | 22-May-98 | 22-May-98 | 26-May-98 | 26-May-98 |
| REVIEW COMMENTS NOTEBOOKS w/OSRE STAFF | R White + OSRE | 21-May-98 | 21-May-98 | 22-May-98 | 21-May-98 |
| REVIEW COMMENTS NOTEBOOKS w/SME + HQTRS STAFF | R White + Hqtrs | 27-May-98 | 21-May-98 | 27-May-98 | 27-May-98 |
| INCORPORATE CHANGES | Contractor | 28-May-98 | 28-May-98 | 18-Jun-98 | 18-Jun-98 |
| REVIEW MANUSCRIPT | R White | 19-Jun-98 | 19-Jun-98 | 22-Jun-98 | 24-Jun-98 |
| OBTAIN SIGNATURE FOR FINAL | R White | 24-Jun-98 | 24-Jun-98 | 25-Jun-98 | 24-Jun-98 |
| PRINT LIMITED NUMBER OF ADVANCE COPIES | Contractor | 26-Jun-98 | 25-Jun-98 | 30-Jun-98 | |
| PREPARE RESPONSE SUMMARY | Contractor | 28-May-98 | 28-May-98 | 14-Jul-98 | |
| PRINT FY98/00 SCAP MANUAL | R White | 01-Jul-98 | | 26-Aug-98 | |
| DISTRIBUTE LIMITED NUMBER OF ADVANCED COPIES | R White | 01-Jul-98 | | 03-Jul-98 | |
| DISTRIBUTE FY98/00 SCAP MANUAL | R White | 27-Aug-98 | | 31-Aug-98 | |
| PREPARE FY98/00 CODING + USER GUIDE | Contractor | 01-Jul-98 | | 12-Aug-98 | |
| REVIEW DRAFT CODING USRS GUIDE | Cullen/White | 13-Aug-98 | | 20-Aug-98 | |
| INCORPORATE CHANGES TO CODING GUIDE | Contractor | 21-Aug-98 | | 28-Aug-98 | |
| PRINT FY98/00 CODING + USER GUIDE, LIMITED NUMBER OF COPIES | R White | 31-Aug-98 | | 03-Sep-98 | |
| MAINTAIN FY98/00 SPIM (CHANGE PAGES) | Contractor | 01-Jul-98 | | 01-Jul-99 | |

* GPRA evolution will parallel SPIM development. Expect late SPIM changes to reflect GPRA developme

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Superfund

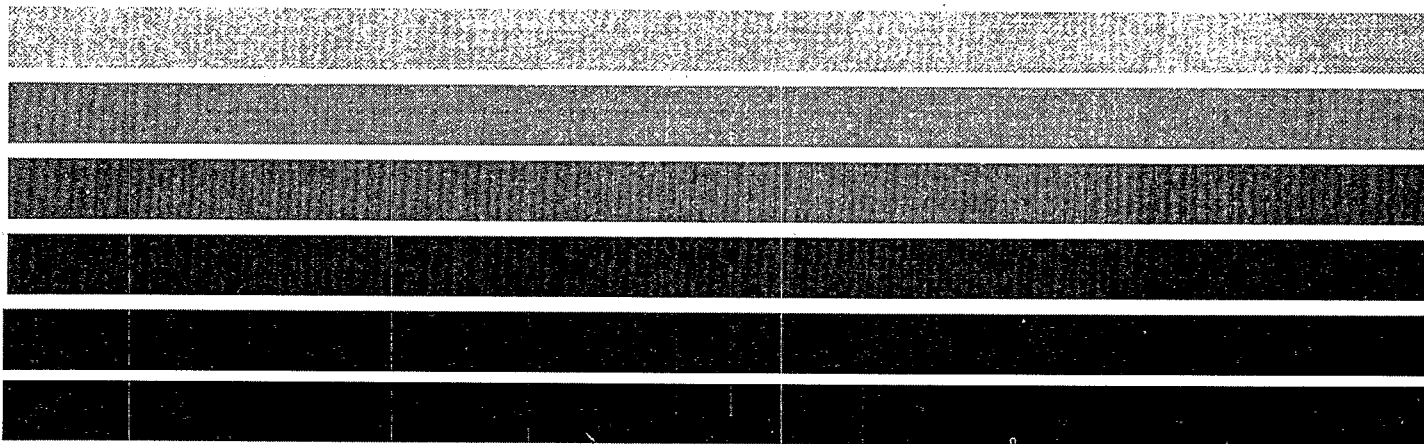


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DISCLAIMER

The policies and procedures established in this document are intended solely for the guidance of employees of the U.S. Environmental Protection Agency. They are not intended and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. EPA reserves the right to act at variance with these policies and procedures and to change them at any time without public notice.

July 1, 1998

USE AND STRUCTURE OF THE MANUAL

The information in this Manual is targeted to Information Management Coordinators (IMCs), Remedial Project Managers (RPMs), and On-Scene Coordinators (OSCs), and Regional Counsels. Its primary purpose is to provide guidance to this audience on management of the Superfund program.

The FY 1999 Superfund Program Implementation Manual contains information on:

- Managers' Schedule of Significant Events;
- Program goals and priorities;
- Program planning and reporting requirements; and
- Financial management.

In addition, the appendices at the end of the manual contain pipeline specific planning and reporting definitions.

- Appendix A presents measure definitions for Site Screening and Assessment and Regional Decisions;
- Appendix B provides measure definitions for Early and Long Term Actions;
- Appendix C presents measure definitions for Enforcement;
- Appendix D contains program priorities and measure definitions for Federal Facilities;
- Appendix E provides information on Superfund Information Systems;
- Appendix F contains program priorities, measures, definitions, planning and reporting requirements, and financial information for the Oil Program; and
- Appendix G contains Superfund Reforms Measures of Success.
- Appendix H contains Government Performance and Results Act (GPRA) objectives, subobjectives and reporting measures.
- Appendix J contains measure definitions for Community Involvement.

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July 1, 1998

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July 1, 1998

Superfund/Oil Program Implementation Manual FY 99/00
Managers' Schedule of Significant Events

July 1, 1998

MANAGERS' SCHEDULE OF SIGNIFICANT EVENTS

This schedule has been revised from previous versions to reflect the implementation of the new generation of WasteLAN. Data on program accomplishments is no longer pulled on the 5th working day of the month; the dates shown are key pull dates for Advice of Allowance issuance and planning dates.

OCTOBER 1998 QUARTER 1 (FY 99)

- 3* The AAs and OC approve the first and second quarter AOA
- 7 HQ pulls national Environment Indicators (EI) data from WasteLAN
- 7 HQ pulls 4th Quarter FY 98 accomplishment data from WasteLAN and provides for:
 - 1) Special program reports; and
 - 2) Initial FY 98 end-of-year Program Assessment
- 24 HQ pulls 4th quarter FY 98 accomplishment data from WasteLAN for review of end of year accomplishments

NOVEMBER 1998

- 4-6 HQ/Regional Superfund Focus Forum Meeting
- 14 OMB passback of FY 00 budget request

DECEMBER 1998

- 15 HQ appeal of the OMB FY 00 budget passback

JANUARY 1999 QUARTER 2 (FY 99)

- 8 HQ pulls 1st Quarter FY 99 accomplishments data from WasteLAN and provides for special program reports.
- 8 Enforcement provides:
 - 1) Special program reports; and
 - 2) First quarter performance evaluations
- 9 HQ submits FY 00 budget request to the President

*** Dependent on approval of final appropriations.**

FEBRUARY 1999

- 20 HQ distributes FY 98 EI analysis to HQ/Regional managers

MARCH 1999

- 6 HQ pulls data from WasteLAN for 3rd quarter AOA for FY 99
- 24 HQ submits 3rd quarter AOA request to the AA/SWER and places it in WasteLAN
- 31 Regions input AOA to IFMS

APRIL 1999 QUARTER 3 (FY 99)

- 3 The AAs and OC approve the 3rd quarter AOA
- 6 HQ pulls accomplishment data from WasteLAN and provides for:
1) Special program reports; and
2) Mid-Year Work Planning evaluation
- 7 HQ pulls national Environmental Indicators (EI) data from CERCLIS

MAY 1999

- 6 HQ analysis of Regional pipeline (upcoming year and one year out) and historical performance trends
- 6 HQ allocates preliminary FY 00 budget to Regions
- 12 HQ program offices characterize and submit their FY 00 program initiatives
- 25 HQ prepares preliminary Regional FY 00 operating plan based on projected budgets in WasteLAN
- 29 HQ program offices meet with the Administrator to review FY 00 program goals

JUNE 1999

- 1-26 Regions generate their plans for FY 00 by ensuring updated schedules and financial information in WasteLAN
- 5 HQ pulls planning information from WasteLAN:
1) for fourth quarter AOA; and
2) to support FY00 and FY 01 budget request
- 5 HQ pulls financial data for analysis of Regional obligation/commitment rates

JUNE 1999(contd)

- 8 HQ presents FY 00 Superfund goals and priorities and FY 01 investments to the Administrator and Regional Administrators
- 12 Administrator and OC provide HQ program offices and Regions with policy for FY 01 budget formulation
- 22 HQ submits 4th quarter AOA request to the AAs and places it in WasteLAN
- 29 Regions input AOA to IFMS

JULY 1999 QUARTER 4 (FY 99)

- 2 The AAs and OC approve the fourth quarter AOA
- 8 HQ pulls 3rd Quarter FY 99 accomplishments data from WasteLAN and provides for special program reports
- 8 Enforcement provides:
 - 1) Special program reports; and
 - 2) Third quarter performance evaluations
- 8 HQ submits FY 01 Superfund investment summaries to the Administrator and Budget to OC
- 8 HQ pulls data from WasteLAN to review and analyze:
 - 1) GPRA accomplishments, internal measures, pipeline workload and FY 00 budget request;
 - 2) Past Regional accomplishments and planned durations/dollars; and
 - 3) Regional request for FY 00 budget reserve
- 13-17 HQ program offices and lead Regions make presentation to Administrative/Deputy Administrator on FY 01 program priorities
- 20-24 Regional conference call on HQ analyses
- 31 Administrator passback of FY 01 budget request

AUGUST 1999

- 3-18 HQ develops FY 01 budget for submission to the Office of Management and Budget (OMB)
- 7 HQ pulls WasteLAN data to assist in preparation of the FY 01 budget
- 28 HQ develops strategy for presenting the FY 01 budget to OMB
- 28 HQ sends memorandum to Regions on final budgets and GPRA targets/annual performance goals and internal measures

SEPTEMBER 1999

- 4 HQ submits FY 01 budget to OMB
- 8 Regions revise WasteLAN to reflect final negotiated budgets and targets and measures
- 8 HQ pulls data from WasteLAN for first quarter FY 00 AOA
- 9-20 HQ/Regions conduct work planning sessions on the final FY 00 GPRA targets/annual performance goals and internal measures and budget
- 15 HQ performs final FY 00 Full Time Equivalent (FTE) distribution
- 21 HQ submits FY 00 first quarter AOA request to the AAs and places it in WasteLAN
- 29* Regions input AOA to IFMS

OCTOBER 1999QUARTER 1 (FY 00)

- 2* The AAs and OC approve the 1st and 2nd quarter AOA
- 6 HQ pulls 4th quarter FY 99 accomplishment data from WasteLAN and provides for:
 - 1) Special program reports; and
 - 2) Initial FY 99 end-of-year Program assessment
- 20 HQ pulls 4th quarter FY 99 accomplishment data from WasteLAN for review of end of year accomplishments
- 20 HQ pulls national Environment Indicator data from WasteLAN

NOVEMBER 1999

- 18 OMB passback of FY 01 budget request

DECEMBER 1999

- 7 HQ pulls WasteLAN data for 2nd quarter AOA
- 14 HQ appeal of the OMB FY 01 budget passback
- 21 HQ submits 2nd quarter AOA request to AAs and places it in WasteLAN
- 28 Regions input AOA to IFMS

* Dependent on approval of final appropriations.

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Acronyms

July 1, 1998

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July 1, 1998

| | |
|----------------|--|
| AA — | Assistant Administrator |
| AA OE — | Assistant Administrator for the Office of Enforcement |
| AA SWER — | Assistant Administrator for the Office of Solid Waste and Emergency Response |
| AA OECA — | Assistant Administrator for the Office of Enforcement and Compliance Assurance |
| AAU — | Administrative Assistance Unit |
| AC — | Area Committee |
| ACP — | Area Contingency Plan |
| ADCR — | Automated Document Control Register |
| ADR — | Alternative Dispute Resolution |
| AHRC — | Allowance Holder/Responsibility Center |
| AN — | Account Number |
| AO — | Administrative Order |
| AOA — | Advice of Allowance |
| AOC — | Administrative Order on Consent |
| AOG — | Agency Operating Guidance |
| AR — | Administrative Record |
| ARAR — | Applicable or Relevant and Appropriate Requirements |
| ARCS — | Alternative Remedial Contracting Strategy |
| ARIP — | Accidental Release Information Program |
| ARM — | Administration and Resources Management |
| ASF — | Above-ground Storage Facility |
| AST — | Above-ground Storage Tank |
| ASTM — | American Society for Testing and Materials |
| ASTSWMO — | Association of State and Tribal Solid Waste Management Organizations |
| ASTW — | Above-ground Storage Tank Workgroup |
| ASU — | Administrative Support Unit |
| ATSDR — | Agency for Toxic Substances and Diseases Registry |
| ATSDR HAZDAT — | Agency for Toxic Substances and Diseases Registry Hazardous Data System |
| BC/AOA — | Budget Control/Advice of Allowance |
| BLM — | Bureau of Land Management |
| BRAC — | Base Realignment or Closure |
| BTAG — | Biological Technical Assistance Group |
| BUREC — | Bureau of Reclamation |
| CA — | Cooperative Agreement |
| CADD — | Corrective Action Decision Document |
| CAS No. — | Chemical Abstract Number |
| CBD — | Commerce Business Daily |
| CD — | Consent Decree |
| CEPP — | Chemical Emergency Preparedness and Prevention Program |
| CEPPO — | Chemical Emergency Preparedness and Prevention Office (OSWER) |
| CERCLA — | Comprehensive Environmental Response, Compensation, and Liability Act of 1980 |
| CERCLIS — | Comprehensive Environmental Response, Compensation, and Liability Information System |
| CERFA — | Community Environmental Response Facilitation Act |
| CFO — | Chief Financial Officer |
| CIAO — | Citizen Information and Access Offices |
| CIOC — | Community Involvement & Outreach Center (OERR) |
| CLP — | Contract Laboratory Program |
| CN — | Commitment Notice |
| CO — | Contracting Officer |
| COI — | Conflict of Interest |
| CPCA — | Core Program Cooperative Agreement |
| CR — | Community Relations |
| CRCR — | Cost Recovery Category Report |

| | |
|-----------|--|
| CRP — | Community Relations Plan |
| CWA — | Clean Water Act |
| CWG — | Community Work Groups |
| DA — | Deputy Administrator |
| DAS — | Delivery of Analytical Services |
| DCN — | Document Control Number |
| DNAPL — | Dense Non-Aqueous Phase Liquids |
| DOD — | Deputy Office Director |
| DoD — | Department of Defense |
| DOE — | Department of Energy |
| DOI — | Department of the Interior |
| DOJ — | Department of Justice |
| DOT — | Department of Transportation |
| DPO — | Deputy Project Officer |
| DRG — | District Response Group |
| EBS — | Environmental Baseline Survey |
| EE/CA — | Engineering Evaluation/Cost Analysis |
| EI — | Environmental Indicators |
| EMSL — | Environmental Monitoring Systems Laboratory |
| ENRD — | Environment and Natural Resources Division (DOJ) |
| EPA — | Environmental Protection Agency |
| EPA-ACH — | EPA Automated Clearing House |
| EPA ID — | EPA Identification Number |
| EPCRA — | Emergency Planning and Community Right to Know Act of 1986 |
| EPI — | Environmental Priorities Initiative |
| EPIC — | Environmental Photographic Interpretation Center |
| EPS — | Environmental Protection Specialist |
| ERA — | Expedited Response Action |
| ERCS — | Emergency Response Cleanup Services |
| ERNS — | Emergency Response Notification System |
| ERRS — | Emergency and Rapid Response Services |
| ERT — | Environmental Response Team |
| ESAT — | Environmental Services Assistance Team |
| ESD — | Explanation of Significant Differences |
| ESF — | Emergency Support Function |
| ESI — | Expanded Site Inspection |
| ESI/RI — | Expanded Site Inspection/Remedial Investigation |
| ESS — | Enforcement Support Services |
| FCO — | Funds Certifying Officer |
| FE — | Federal Enforcement |
| FEMA — | Federal Emergency Management Agency |
| FFA — | Federal Facility Agreement |
| FFCA — | Federal Facility Compliance Agreement |
| FFEO — | Federal Facilities Enforcement Office |
| FFRRO — | Federal Facilities Restoration and Reuse Office |
| FFIS — | Federal Facilities Information System |
| FFS — | Focused Feasibility Study |
| FINDS — | Facility Index System |
| FMC-Ci — | Financial Management Center - Cincinnati |
| FMD — | Financial Management Division |
| FMFIA — | Federal Managers Financial Integrity Act |
| FMO — | Financial Management Office |
| FOIA — | Freedom of Information Act |
| FOSL — | Finding of Suitability to Lease |

| | |
|------------|--|
| FOST — | Finding of Suitability to Transfer |
| FR — | Federal Register |
| FRP — | Facility Response Plan |
| FS — | Feasibility Study |
| FTE — | Full-time Equivalent |
| FUDS — | Formerly Used Defense Sites |
| FY — | Fiscal Year |
| FY/Q — | Fiscal Year/Quarter |
| GAD — | Grants Administration Division |
| GAO — | Government Accounting Office |
| GFO — | Good Faith Offer |
| GICS — | Grants Information Control System |
| GIS — | Geographic Information System |
| GNL — | General Notice Letter |
| GPRA — | Government Performance and Results Act |
| HAZDAT — | Hazardous Data System |
| HHS — | Health and Human Services |
| HI — | Hazard Index |
| HQ — | Headquarters |
| HRS — | Hazard Ranking System |
| HSWA — | Hazardous and Solid Waste Amendments |
| HWC — | Hazardous Waste Collection |
| IAG — | Interagency Agreement |
| IFMS — | Integrated Financial Management System |
| IG — | Inspector General |
| IMC — | Information Management Coordinator |
| IMPM — | Information Management/Program Measurement Center (OERR) |
| IMS — | Integrated Management Strategy |
| IOTV — | Interoffice Transfer Voucher |
| LAN — | Local Area Network |
| LEPC — | Local Emergency Planning Committee |
| LERP — | Local Emergency Response Plan |
| LOC — | Letter of Credit |
| LOE — | Level of Effort |
| LTCS — | Long Term Contracting Strategy |
| LTRA — | Long Term Response Action |
| MARS — | Management and Accounting Reporting System |
| MBO — | Management by Objectives |
| MM/DD/YY — | Month/Day/Year |
| MMS — | Minerals Management Service |
| MOA — | Memorandum of Agreement |
| MOHR — | Magnitude of Hazard Reduction |
| MORR — | Magnitude of Risk Reduction |
| MOU — | Memorandum of Understanding |
| MSCA — | Multi-Site Cooperative Agreement |
| NAPL — | Non-Aqueous Phase Liquid |
| NBAR — | Non-Binding Allocation of Responsibility |
| NCP — | National Oil and Hazardous Substances Pollution Contingency Plan or National Contingency Plan |
| NEEPPS — | National Environment Performance Partnership System |
| NFRAP — | No Further Remedial Action Planned |
| NOAA — | National Oceanic and Atmospheric Administration |
| NPL — | National Priorities List |
| NPM — | National Program Manager |

| | |
|----------|--|
| NRC — | National Response Center |
| NRS — | National Response System |
| NRT — | National Response Team |
| NSEP — | National Security Emergency Preparedness |
| NSFCC — | National Strike Force Communication Center |
| NTC — | Non-Time Critical |
| NTIS — | National Technical Information Services |
| OAM — | Office of Acquisition Management |
| OARM — | Office of Administration and Resources Management |
| OC — | Office of the Comptroller |
| OD — | Office Director |
| OE — | Office of Enforcement |
| OECA — | Office of Enforcement and Compliance Assurance |
| OERR — | Office of Emergency and Remedial Response (OSWER) |
| O&F — | Operational and Functional |
| OFFE — | Office of Federal Facilities Enforcement (OE) |
| OIG — | Office of the Inspector General |
| O&M — | Operation and Maintenance |
| OMB — | Office of Management and Budget |
| OPA — | Oil Pollution Act of 1990 |
| OPAC — | On-line Payment and Collections |
| OPC — | Oil Program Center |
| OPPE — | Office of Policy, Planning, and Evaluation |
| OPRP — | Oil Pollution Response & Prevention Center (OERR) |
| ORC — | Office of Regional Counsel |
| ORD — | Office of Research and Development |
| OSC — | On-Scene Coordinator |
| OSPS — | Outreach/Special Project Staff (OSWER) |
| OSRE — | Office of Site Remediation and Enforcement |
| OSW — | Office of Solid Waste |
| OSWER — | Office of Solid Waste and Emergency Response |
| OU — | Operable Unit |
| OUST — | Office of Underground Storage Tanks (OSWER) |
| PA — | Preliminary Assessment |
| PAH — | Polycyclic Aromatic Hydrocarbons |
| PARM — | Policy Analysis & Resources Management Center (OERR) |
| PC — | Personal Computer |
| PCB — | Polychlorinated biphenyl |
| PECB — | Program Evaluation & Compliance Branch (OSRE) |
| PNRS — | Preliminary Natural Resource Surveys |
| PO — | Project Officer |
| POD — | Program Operations Division (OFFE) |
| POLREP — | Pollution Report |
| POS — | Program Operations Staff (OSRE) |
| PPED — | Program Policy & Evaluation Division (OSRE) |
| PPG — | Performance Partnership Grants |
| PQOP — | Pre-Qualified Officers Procurement |
| PR — | Procurement Request |
| PPA — | Prospective Purchaser Agreement |
| PREP — | Preparedness Response Exercise Program |
| PRP — | Potentially Responsible Party |
| PRSC — | Post Removal Site Controls |
| PSO — | Program Support Office |
| QA — | Quality Assurance |

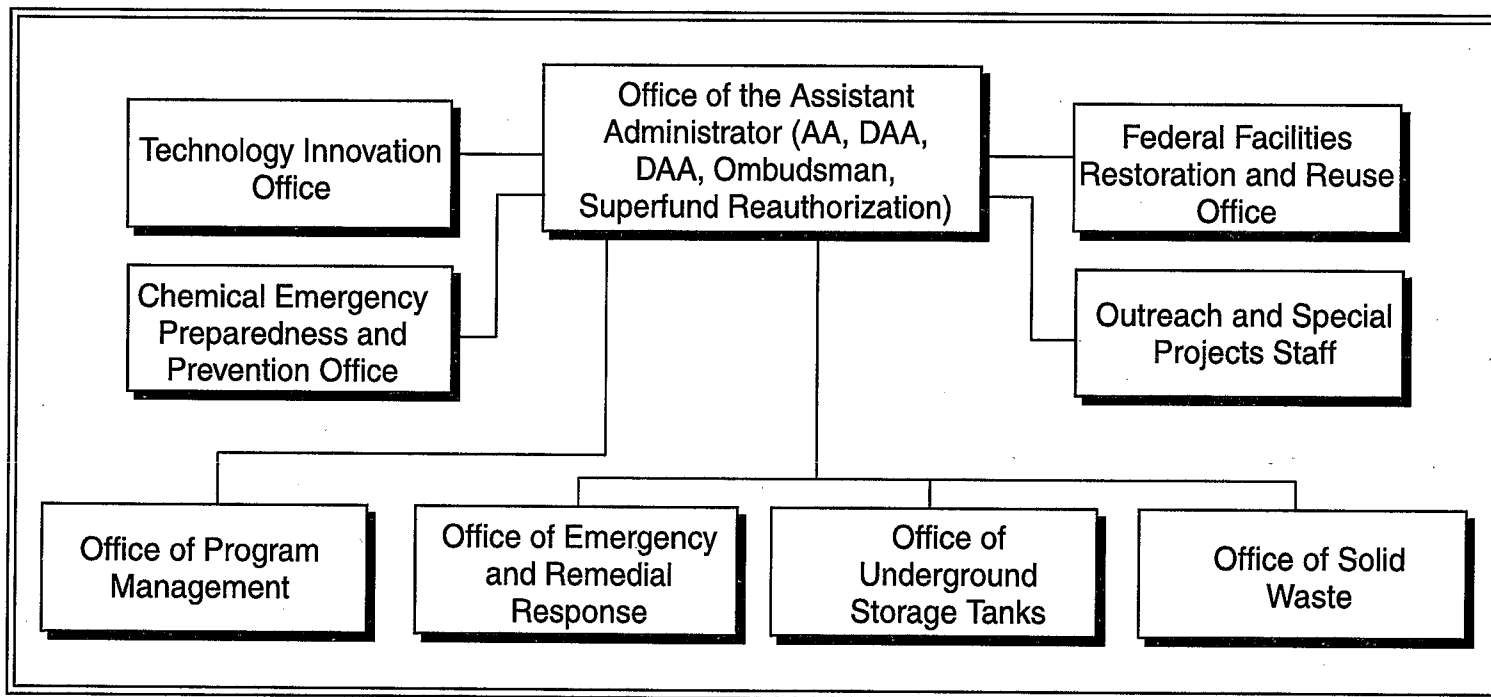
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| QAPP — | Quality Assurance Project Plan |
| QAT — | Quality Action Team |
| RA — | Remedial Action |
| RAC — | Response Action Contract |
| RADS — | Risk Assessment Data System |
| RAGS — | Risk Assessment Guidance for Superfund |
| RCMS — | Removal Cost Management System |
| RCP — | Regional Contingency Plan |
| RCRA — | Resource Conservation and Recovery Act |
| RCRC — | Regional Cost Recovery Coordinator |
| RD — | Remedial Design |
| RDT — | Regional Decision Team |
| REMT — | Regional Emergency Preparedness Team |
| RESAT — | Regional Environmental Services Assistance Team |
| RFP — | Request for Proposal |
| RI — | Remedial Investigation |
| RI/FS — | Remedial Investigation and Feasibility Study |
| RME — | Reasonable Maximum Exposure |
| ROC — | Remedial Oversight Contract |
| ROD — | Record of Decision |
| RPM — | Remedial Project Manager |
| RPO — | Regional Project Officer |
| RRT — | Regional Response Team |
| RTP — | Research Triangle Park |
| SACA — | Site Assessment Cooperative Agreement |
| SACM — | Superfund Accelerated Cleanup Model |
| SAM — | Site Assessment Manager |
| SARA — | Superfund Amendments and Reauthorization Act of 1986 |
| SAS — | Special Analytical Services |
| SB/RTC — | Statement of Basis/Response to Comments |
| SCAP — | Superfund Comprehensive Accomplishments Plan |
| SCORES — | Superfund Cost Organization and Recovery Enhancement System |
| SEP — | Supplemental Environmental Project |
| SERC — | State Emergency Response Commission |
| SERP — | State Emergency Response Plan |
| SFO — | Servicing Finance Office |
| SI — | Site Inspection |
| SIBAC — | Simplified Interagency Billing and Collection |
| SIP — | Site Inspection Prioritization |
| SITE — | Superfund Innovative Technology Evaluation |
| SMOA — | State Memorandum of Agreement |
| SMP — | Site Management Plan |
| SMSA — | Standard Metropolitan Statistical Area |
| SNAP — | Superfund National Assessment Program |
| SNL — | Special Notice Letter |
| SOL — | Statute of Limitations |
| SOW — | Statement of Work |
| SPCC — | Spill Prevention Control and Countermeasure |
| SRA — | Superfund Reform Act |
| SRIS — | Superfund Report Information System |
| SSA — | Site Screening and Assessment |
| SSAB — | Site Specific Advisory Board |
| SSC — | Superfund State Contracts |
| S/S ID — | Site/Spill Identification Number |

| | |
|------------|--|
| SSP — | Site Safety Plan |
| START — | Superfund Technical Assistance and Response Team |
| STSI — | State, Tribal, & Site Identification Center (OERR) |
| TAG — | Technical Assistance Grants |
| TAT — | Technical Assistance Team |
| TBD — | To Be Determined |
| TDD — | Technical Direction Document |
| TSCA — | Toxic Substances Control Act |
| TQM — | Total Quality Management |
| TRC — | Technical Review Committee |
| TRW — | Technical Review Workgroup |
| TSD — | Treatment, Storage, Disposal Facility |
| UAO — | Unilateral Administrative Order |
| USCG — | United States Coast Guard |
| USACE — | U.S. Army Corps of Engineers |
| USFWS — | United States Fish and Wildlife Service |
| USGS — | United States Geological Survey |
| VRP — | Vessel Response Plan |
| WA — | Work Assignment |
| WAM — | Work Assignment Manager |
| WasteLAN — | CERCLA Information System |
| ZPO — | Zone Project Officer |

Organizational Charts

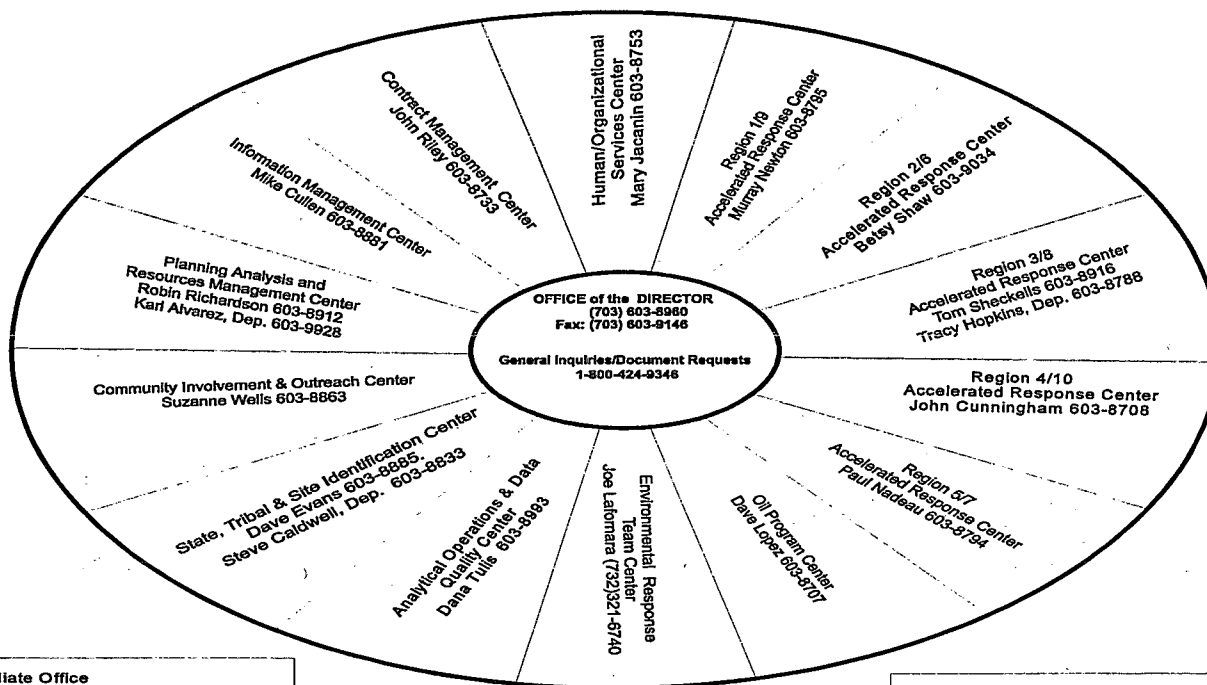
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Office of Solid Waste and Emergency Response



July 1, 1998

U.S. EPA Office of Emergency and Remedial Response

**OERR Immediate Office**

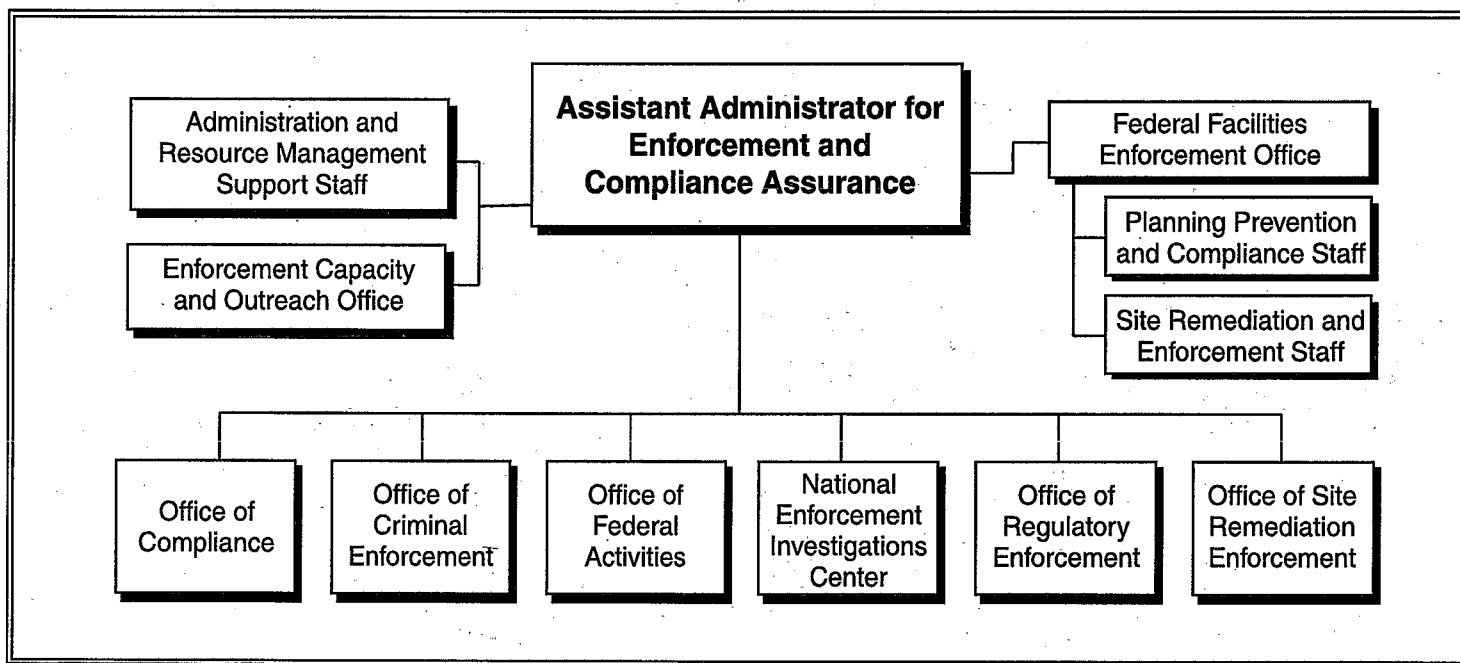
Director: Stephen Luftig
Deputy Director: Larry Reed
Deputy Director: Elaine Davies
Special Assistant: Jan Baker
Gershon Bergelsen

Attorney-Advisor: Phyllis Anderson

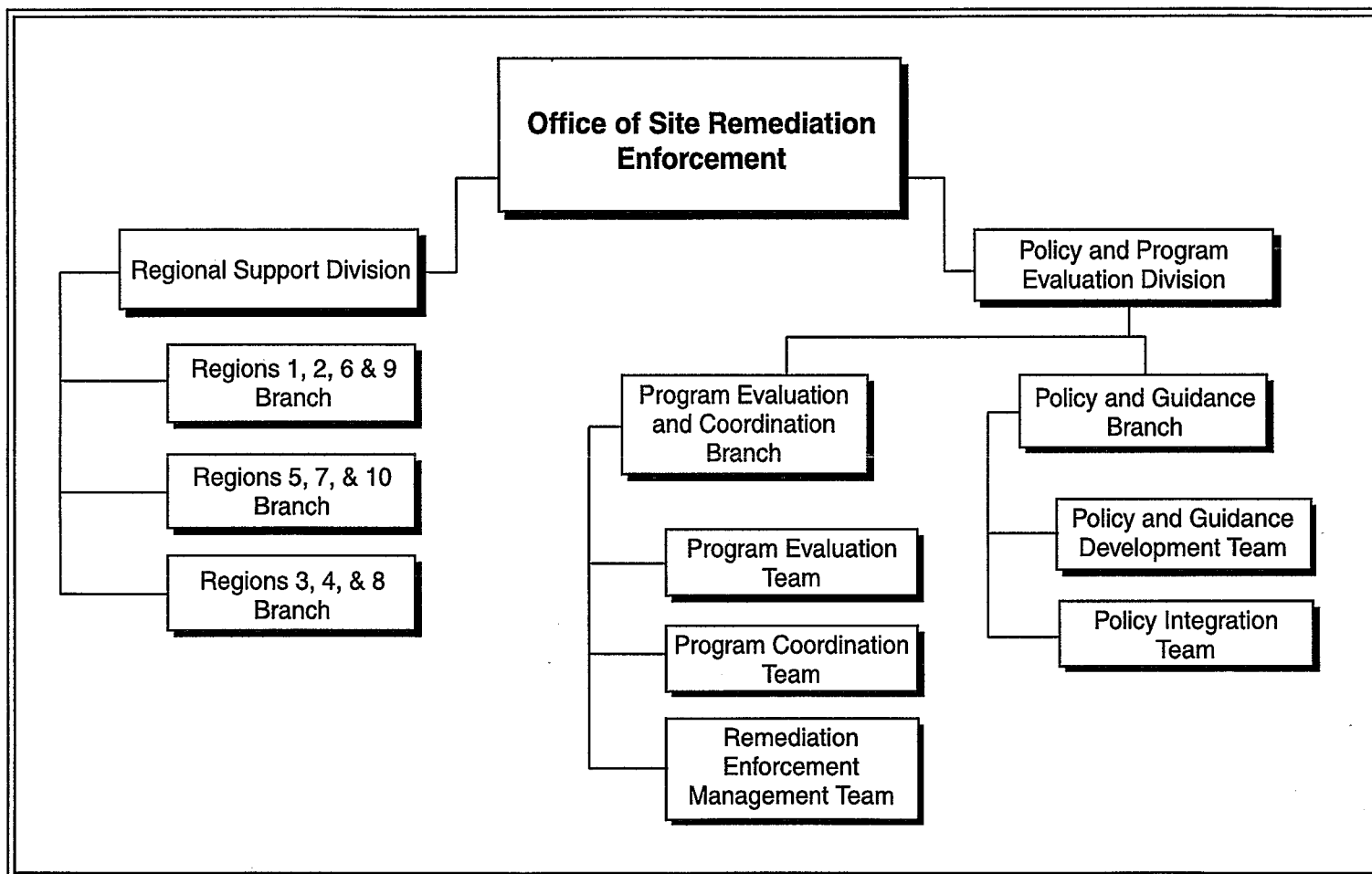
Senior Process Managers

| | |
|---|----------|
| Superfund Reform Advocate: William Ross | 603-8798 |
| Risk: David Bennett | 603-8759 |
| Response Decision: Bruce Means | 603-8815 |
| Pipeline Integration: John Smith | 603-8802 |
| Emergency Response: Mark Mjones | 603-8727 |

Office of Enforcement and Compliance Assurance



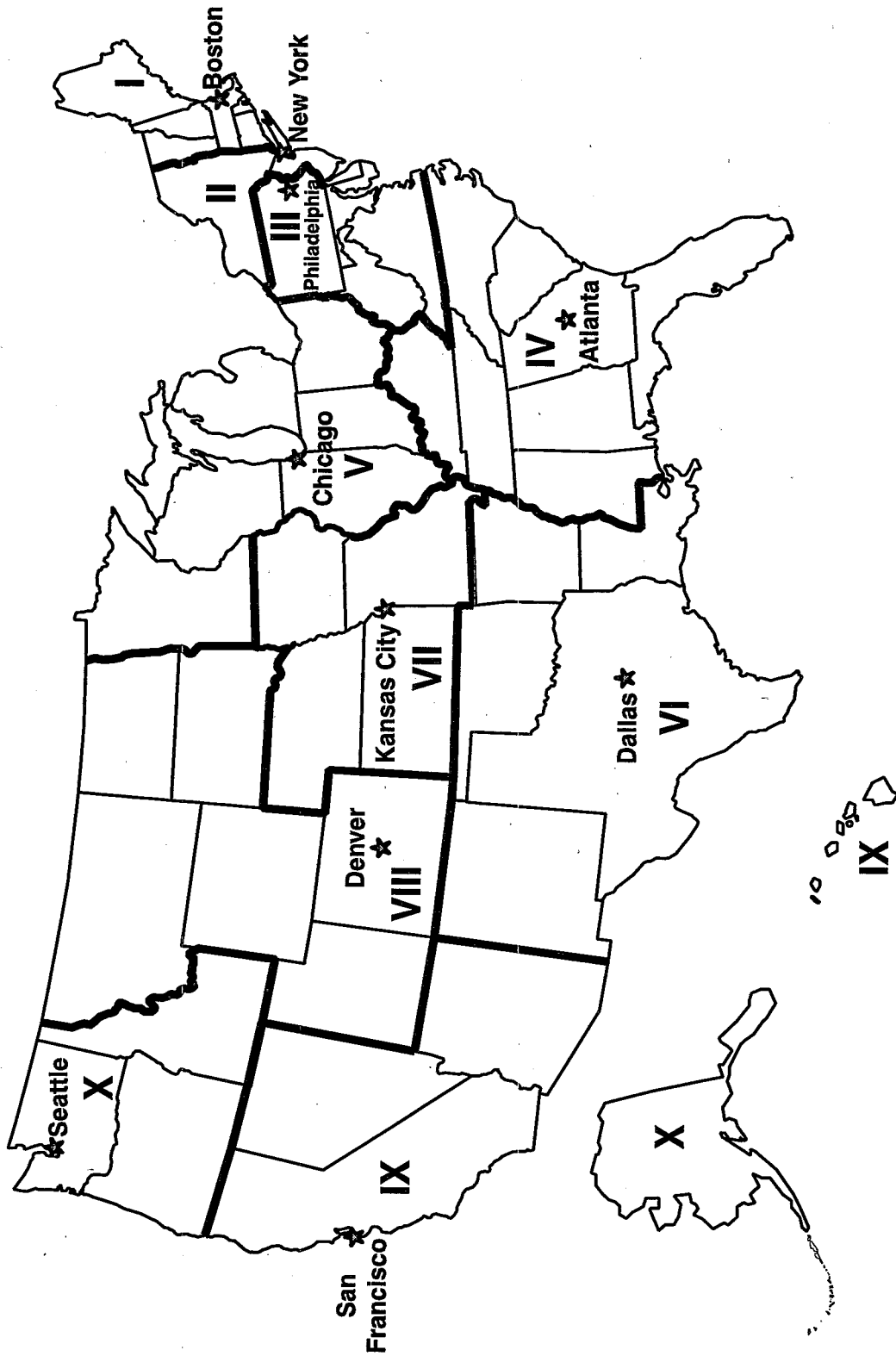
Office of Site Remediation Enforcement



Regional Map

July 1, 1998

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Program Goals and Planning Requirements

July 1, 1998

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Superfund/Oil Program Implementation Manual FY 99/00

Chapter I: Program Goals and Priorities

July 1, 1998

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Chapter I Program Goals and Priorities

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CHAPTER I PROGRAM GOALS AND PRIORITIES

I.A INTRODUCTION

The focus of the Superfund program is to maximize the protection of human health and the environment through fast, effective cleanup of priority hazardous waste sites and releases. In order to leverage the number of cleanups that can be accomplished, maximizing PRP participation is a priority. The most essential principle of the Superfund program is that the worst sites are cleaned up first. In addition, the acceleration of site cleanup and National Priority List (NPL) construction completion is integral to the success of the program. Implementation of the program also will be facilitated by a strong collaboration with the States and Indian Tribes. Partnerships are an integral part of the Brownfields program. Furthermore, collaboration with the Department of Defense will be necessary as the Agency continues to assist in assessing base closure properties. Finally, the Superfund program will continue to employ Environmental Indicators (EIs) as a crucial tool for evaluation and communication and, in FY 99/00, the Superfund and Oil programs will implement the Government Performance and Results Act (GPRA) of 1993. The current SPIM is a biennial document for the fiscal years of 1999 and 2000. This conforms to the Agency's two year planning cycles.

Superfund and its History

The Superfund program began when Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1980. Prior to this, there was no authority for direct Federal response to hazards posed by abandoned and uncontrolled hazardous waste sites. Existing environmental laws, such as the Resource Conservation and Recovery Act (RCRA), provided regulatory requirements to address present activities and prevent future catastrophes, but lacked authority to allow Federal emergency and long-term responses to past disposal problems.

CERCLA is unique in that it provided the first Federal response authority to address the problem of uncontrolled hazardous waste sites. CERCLA, for the first time, required EPA to step beyond its traditional regulatory role and provide response authority to clean up hazardous waste sites.

In October 1986, Congress reauthorized CERCLA by enacting the Superfund Amendments and Reauthorization Act (SARA). The enactment of SARA resulted in the following changes to the Superfund program:

- Increased the size of the Trust Fund to \$8.5 billion and refined its finances;
(Note: The Fund was largely financed by a tax on crude oil and 42 commercially used chemicals. Expired 12/31/95)
- Stressed the development and use of permanent remedies;
- Provided enforcement and settlement tools;
- Increased State involvement in the Superfund Program; and
- Included Title III, a freestanding statute, that created the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA is designed to help communities prepare to respond in the event of a chemical emergency, and to increase the public's knowledge of the presence and threat of hazardous chemicals.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) was revised based on SARA and is the major regulatory framework that guides the Superfund response effort. The NCP outlines a step-by-step process for implementing Superfund responses and defines roles and responsibilities of EPA, other Federal agencies, States, private parties, and the communities in response to situations in which hazardous substances are released into the environment.

In 1992, EPA introduced the Superfund Accelerated Cleanup Model (SACM). SACM was responsible for expediting the cleanup of uncontrolled waste sites and redefining the way Superfund progress is measured.

The Superfund program is comprehensive, yet flexible and innovative. Its mission is both immediate and long-range. Its focus is specific enough to handle individual site cleanup with precision, yet broad enough to encourage advances in a relatively new scientific and technical field. Today the hazardous waste problem in the United States remains large, complex and long-term.

Reauthorization

The Omnibus Reconciliation Act of 1990, which extended Superfund authority from FY 90, expired in 1994. Currently, discussions of Superfund reauthorization are on-going in sub-committees in both the U.S. Senate and the U.S. House of Representatives. Through the act of appropriations, SARA authority for the Superfund program has been extended. Additional information will be provided following enactment of a revised Superfund law.

I.B CURRENT PROGRAM PRIORITIES

Superfund

The continued focus of the Superfund program in FY 99/00 is to maximize the protection of human health and the environment through fast, efficient cleanup of priority hazardous waste sites and releases. Protecting public health and the environment, promoting a fundamentally fairer Superfund program, maximizing program effectiveness and efficiency, building Superfund partnerships, and encouraging a customer orientation are Superfund's highest priorities for FY 99/00. Superfund also shall work for reauthorization and show progress through Superfund Reforms and compliance with GPRA.

Protect Public Health and the Environment

EPA is committed to increasing the number of NPL construction completions. To accomplish this objective, the Agency will ensure that available resources are disbursed in a fiscally sound manner—according to the risk prioritization scheme, and that appropriate contract vehicles (including performance based contracts and IAGs) are available. In addition, the Superfund program will provide real time policy calls to promote efficient cleanup. Maximizing potentially responsible party (PRP) involvement will be imperative to meeting this goal.

Construction Completions

The goal established by the President is 900 construction completions by the end of calendar year 2001. There are a sufficient number of sites with final RODs signed to meet this goal. Sites in the RD/RA stages will be efficiently managed to ensure work continues in a timely manner through to construction completion. Regions and States must continue to work together to identify opportunities for expediting construction completions and response actions.

The primary mission of the Superfund Federal facilities program is to ensure that the hazardous waste sites owned or operated by the Federal government are addressed and cleaned up as quickly as possible. Regional efforts should be focused on getting to completion of construction activities at Federal facilities whether they are accomplished under remedial or removal authority. Meeting these goals will help build the program's credibility, which is vital to Superfund's long-term success.

Innovative Technologies

Environmental technology development and commercialization are a top national priority for this Administration. EPA is committed to encouraging the use of new or innovative Technologies for contaminated soils and ground water. Over the next decade, the Superfund program and other Federal agencies will spend billions of dollars each year to cleanup sites contaminated with hazardous wastes. This commitment will require the use of a wide range of site remediation processes. While existing Technologies to characterize and remediate contaminated sites have been successful, the investment in site clean up offers new opportunities for the development of less expensive and more effective solutions.

The Agency has made considerable progress using new Technologies in Superfund. More than half of the recent remedial clean-up decisions for source control call for Technologies that were not available when the law was reauthorized in 1986. The large cleanup needs remaining in EPA programs, as well as the formidable future requirements for State and other Federal agencies, provide a continuing impetus to find more effective and less costly solutions.

The unique and varying problems posed by contaminated sites present a challenge that requires knowledge and techniques from different technical disciplines. The solutions to these problems are not to be found in existing design manuals or standards of practice. Rather, EPA is developing procedures as it goes along by creatively applying Technologies from various industrial applications to unique site conditions. This field of hazardous site remediation is rapidly evolving and requires considerable effort to remain informed of recent developments.

EPA is attempting to expand the participation of responsible parties in technology development by altering the Agency's historical role and working more closely with the private sector as a partner with shared objectives. Conventionally, EPA has been viewed primarily as a regulator, permit issuer, and enforcer. These functions have kept it at arms length from industry, which tended to view the Agency with a negative bias. EPA has been working to build new relationships with the private sector that are based on other EPA roles including technology broker, researcher, and grant maker. These cooperative efforts are expected to result in better-directed research and more joint demonstration projects. A number of significant collaborative endeavors in the areas of technology development and evaluation are currently under way.

The Agency is also very committed to the dissemination of information on technology development, evaluation and deployment. Electronic information resources offer the best hope for keeping pace with the rapid developments in this field. The Clean-Up Information (CLU-IN) web site at <http://clu-in.com> offers waste professionals a rich source of current information on Technologies and markets. The TechDirect monthly electronic-mail service offers subscribers up-to-date information on new remediation technology products and services developed by EPA.

Federal facility sites provide an excellent testing ground for assessing and demonstrating the use of innovative Technologies. Many Federal facilities offer a number of benefits: sole responsible party; acknowledged liability; controlled sites; funding; and willingness. For these reasons, the Agency expects to see more public-private partnerships established at Federal facility sites.

Improving Lead Risk Assessments and Cleanup Decisions

Superfund Reform 6c, utilize expert workgroup on lead (Pb), provides for making fuller use of the work of the Technical Review Workgroup (TRW) for lead. The TRW is a group of technical experts from EPA Regional Offices and several headquarters offices that provide advice on the assessment of lead risks. Two steps are being taken to improve better decisions. First, a group named the Lead Sites Workgroup (LSW) has been formed. The LSW is made up of site managers from across the country that address lead contamination, some representatives of the TRW, and relevant headquarters offices. Second, the activities of both of these groups are discussed with the Lead Sites Consultation Group (LSCG), which is composed of Regional Waste Management Division Directors or their designees. This group is chaired by the Director of the Office of Emergency and Remedial Response (OERR). The interactions among these groups should help to ensure that priorities are set according to program needs and better science will be communicated in the support of lead cleanup decisions.

Lead-based Paint and Property Transfer at BRAC Installations

Questions concerning the appropriate response to the potential release of lead in soil as a result of the historic use of lead-based paint (LBP) is an issue that could delay the completion of cleanup and the transfer of property at BRAC installations. As a policy issue, however, it is not just limited to BRAC properties. This topic was discussed by the DERTF during FY 1997.

Examples of issues that have arisen on LBP include:

- Type and quantity of information required to support the CERCLA 120(h)(3) covenant;
- Application of CERCLA and Title X (including TSCA Section 403) in residential areas;
- The need for a workable approach for non-residential/industrial areas including areas where children may be present (e.g., recreational areas); and
- Language and basis for regulator concurrence on FOSTs and FOSLs.

During the past year, HUD and EPA have continued to move forward to promulgate regulations under Title X. FY 98 should see finalization of the HUD's regulations and proposal of EPA's regulations on LBP hazard reduction under TSCA Section 403. HUD also continues to update its guidelines. (EPA issued policies under CERCLA and TSCA on LBP in July 1994). In 1994, DoD issued a policy to the Services to comply with requirements of the Residential Lead Based Hazard Reduction Act of 1992 (Title X). State governments, as well, continue to propose and enact LBP regulations, policies and guidance. EPA and DoD both want to ensure that the forthcoming regulations are applied in a manner which is fully protective of human health and the environment. DoD intends to comply with these regulations in such a manner as to satisfy CERCLA 120 (h)(3) concerns. The objective for residential areas is to achieve an adequate level of CERCLA equivalence by use of the soon to be released HUD Title X regulations, existing HUD guideline, EPA's forthcoming TSCA Section 403 Rule, and EPA's existing guidance on LBP.

EPA and DoD in mid-January 1998 agreed to develop a framework to address the issue of LBP in residential areas and to form a workgroup to compile existing laws, regulations, policies and guidance and then develop a guide book for field level use, e.g., a Fast Track to FOST-type document. EPA invited the participation of HUD and GSA, and the States of Indiana and California. After several unsuccessful attempts to work together on the guide book, the interagency workgroup disbanded.

Promoting a Fairer Superfund Enforcement Program

EPA must assure fair treatment of all PRPs, especially small volume contributors and parties with a limited ability to pay who will be targeted for early and prompt settlements. PRP searches to pursue parties identified by other PRPs will be emphasized, as will Alternative Dispute Resolution (ADR). Allocation of response costs will be emphasized through pilots and mixed funding will be used where appropriate. Steps will be taken to reduce private sector transaction costs associated with cleanup of contaminated sites.

EPA has initiated several reforms to address enforcement fairness and reduce transaction costs, including compensating settlors for a portion of the orphan share, adopting private party allocations, and using special accounts in order to dedicate settlement funds to specific sites. These initiatives are now a part of the way the Agency does business.

The initiatives fall roughly into two categories: some are intended to reduce the transaction costs paid by PRPs as part of the settlement process; others are designed to ensure that PRPs are only asked to assume a fair portion of the response costs for the sites where they are involved. Specific initiatives include:

- **Orphan Share Compensation** — EPA will help fund a portion of the Superfund cleanup costs attributable to parties that are financially insolvent as a way to ensure that remaining viable PRPs are not asked to pay for substantially more than their share of the site cost.
- **PRP Oversight Administration** — The purpose of the reform on PRP oversight is to maximize the effectiveness and efficiency of PRP oversight while still ensuring that PRPs conduct high quality cleanups and the public's interest is protected. For FY 99, the focus of the PRP oversight administrative reform will be to implement practices to achieve or enhance good working relationships with capable and cooperative PRPs. Under this reform, Regions will meet with participating PRPs to:
 - provide information on planned oversight activities;
 - discuss potential future oversight costs;
 - review oversight activities of the previous billing period, and
 - commit to send timely bills for oversight costs incurred.
- **"De Micromis" Settlements** — EPA has doubled the threshold amount of waste a party may have contributed to a Superfund site without being held liable for cleanup costs. The new policy relieves these small contributors of having to pay for a portion of the cleanup at a site, virtually eliminates their transaction costs, and protects them from "third-party" suits from larger waste contributors. While EPA will enter into "*de micromis*" settlements when requested, the ultimate measure of success of this policy change will be that "*de micromis*" parties are no longer pursued and there is no need to enter into such settlements.
- **Alternative Dispute Resolution** — EPA is expanding its use of ADR as a way to reduce the costs of achieving settlement with PRPs. PRPs who choose this alternative should see dramatically reduced transaction costs compared to what would have been encountered during litigation. Also, ADR can be used in other context (e.g., dispute with States regarding cleanup sites).
- **Equitable Issuance of UAOs** — EPA will issue UAOs to the maximum manageable number of PRPs wherever there is sufficient basis to include them. Issuance of these UAOs will compel those PRPs to participate in, and share the cost of, the specific response actions. The participation of these PRPs, even if only through a financial contribution, will reduce the portion of the cleanup cost that is borne by PRPs who have settled with EPA.

- **PPAs and Comfort/Status Letters** — EPA will evaluate all appropriate requests for prospective purchaser agreements and comfort/status letters to assist in the removal of liability barriers for sustainable development/Brownfields initiatives.
- **Interest Bearing Special Accounts** — As a result of a special agreement between OMB, the Treasury Department and EPA, EPA Special Accounts will now accrue interest. Special Accounts are created when PRPs settle their liability at a site with a cash payment toward the future costs of the response. All funds in a Special Account must be applied to the direct costs of the response covered by the settlement. Now that these accounts will accrue interest, the total amount of money available from the accounts will increase, providing EPA with more money to: 1) pay for part of an EPA led response; 2) defray costs EPA incurs at a PRP led site (e.g., past costs or oversight costs); 3) or help pay the costs of a PRP led response.

Enforcement First/Cost Recovery

In order to leverage the number of cleanups that can be accomplished, maximizing PRP participation is a priority. Key areas of emphasis are early initiation of PRP searches, negotiations to secure PRP-lead cleanup activities, maximizing PRP response leads, addressing cost recovery at all sites with total costs greater than \$200,000 prior to the expiration of the Statute of Limitations (SOL), using ADR to resolve costs owed, and compliance monitoring to ensure violations are documented and addressed. As a result to this approach, PRPs have undertaken the majority of new cleanup actions in past years, accelerating the pace of cleanup far beyond what could be done if only Superfund resources were used. Early involvement by PRPs ensures that their transaction and cleanup costs are kept to a minimum.

Maximizing Program Effectiveness and Efficiency

To maximize the effectiveness and efficiency of the Superfund program, during FY 99/00, EPA HQ and Regions will work to:

- Develop appropriate long-term contract strategies;
- Implement fully the new generation WasteLAN system to improve project, program, and enforcement management of Superfund, and ensure that there are data sponsors for key areas;
- Enhance resource management controls;
- Adjust administrative and communication processes to suit the new organization;
- Strengthen the program by incorporating quality assurance, peer review, and program evaluation components into rule makings, guidances, and policies;
- Make changes in the implementation of the program based on these processes; and
- Enhance the Agency's approaches to post cleanup site management.

Reinventing Site Assessment

EPA is considering alternatives to the current site assessment approach (PA, SI, ESI, HRS and integrated assessment). However, until that review is complete, Regions may use site assessment resources to explore innovative approaches. Among these are the review of readily available information to "prescreen" sites for potential CERCLIS entry, conduct streamlined assessments of non-CERCLIS sites in support of Brownfields, and streamlined risk assessments of CERCLIS sites. Past guidance limited assessments at non-CERCLIS sites.

However, in FY 99/00, flexibility is appropriate, given the direction and needs of the program. Though a cost limit will not be specified, those limited but more expensive assessments at non-CERCLIS sites (i.e., those where costs exceed a PA or ASTM Phase I), will require a greater accounting and tracking, sufficient to justify expenditures under audit conditions. At a minimum, there needs to be a description of the assessment work being conducted and the expected benefits of this work available for review upon request. Given the various priorities and constrained site assessment resources, a careful balancing of activities is important.

Priorities for site assessment include listing appropriate sites on the NPL, evaluating the backlog of sites in the CERCLIS inventory to determine high-priority sites and those not requiring Federal response action, and assessing non-CERCLIS sites in conjunction with EPA's Brownfields initiatives. The percentage of site assessment funding devoted to each of these priority areas will not be established given variations in Regional workloads; however, careful balancing of these priorities is important given constrained site assessment resources. Regions and States with significant CERCLIS backlogs need to ensure steady progress is being made addressing them. Regions and States without such backlogs can give higher priority to non-CERCLIS sites. In general, ten percent of the site characterization funds distributed to the Regions may be used for site assessment activities at sites not in CERCLIS. EPA Headquarters must approve expenditure of funds beyond this amount.

Base Closures

Under the Base Realignment and Closure Acts of 1988, 1991, 1993, and 1995, 205 military installations are scheduled for closure or realignment. Of this total, 110 are part of President Clinton's Fast Track Cleanup Program, and of those, 32 site are on the National Priorities List (NPL), and there are a number of non-NPL sites requiring some degree of decontamination. The Agency must continue to assist the Department of Defense (DoD) in assessing these properties, accelerating cleanup actions wherever possible, listing sites on the NPL where appropriate, and ensuring that remedies selected reflect the views of affected communities at NPL sites meet Superfund criteria. HQ and Regional managers must work with DoD, Tribal, State, and local governments, and private interests to expedite cleanup and support responsible transfers of Federal property to non-Federal parties for reuse and economic development.

Environmental Indicators

In 1989, EPA's Administrator directed all EPA programs, including Superfund, to develop Environmental Indicators (EIs) of program progress. Superfund-related indicators were intended to document and communicate incremental environmental progress towards cleaning up and restoring abandoned hazardous waste sites. Substantial site cleanup progress towards reducing adverse effects to human health and the environment was not properly communicated by simply stating the number of sites deleted from the NPL. Superfund EIs are designed to communicate that the true measure of the program's success is tangible progress in protecting human health and the environment through incremental site cleanup activities. Today, EI data are fundamental to the effective evaluation and communication of the Superfund program. EIs are the preeminent means for EPA to show how, and to what extent, Superfund cleanups are reducing risks to people and the environment.

EIs are program-based indicators that measure efforts at each stage of Superfund's "cleanup pipeline" toward addressing hazardous waste problems and achieving established goals. These measurements are achieved by totaling the following site data:

- Indicator A: Populations Protected quantifies efforts to protect people and the environment from immediate threats—including supplying safe water, securing sites, and relocating threatened populations.

- Indicator B: Achieving Permanent Cleanup Goals qualitatively and quantitatively delineates efforts to clean up sites permanently and to fully address persistent threats.
- Indicator C: Bringing Technology to Bear characterizes the volumes of waste handled and the application of appropriate treatment and containment Technologies to hazardous site cleanup.

Data collected via these three indicators show how Superfund cleanup activities are continually and incrementally reducing the threats that hazardous waste poses to people and the environment. This incremental environmental progress reporting is critical to Superfund's efforts to move evaluations of the program away from total site cleanup and "deletion" from the NPL as being the only measure of Superfund's progress and success.

Therefore, EIs serve a number of important purposes for the Superfund program:

- A mechanism to improve understanding of site characteristics and cleanup activities on the part of the community, media, elected officials, and other stakeholders, and to encourage community interest and involvement in site decisions;
- A data source to produce an extensive informational packet for ongoing Congressional testimony towards Superfund Reauthorization—based on the compilation of national and regional data reports and a general overview of current Environmental Indicators;
- A compendium of technical data on Superfund sites that supplements administrative and budgetary data to enhance program management capabilities;
- Data points for consolidation into the larger Superfund and OSWER GPRA reporting structures. National and Regional data are incorporated as important elements in overall Agency planning, measuring, and reporting; and
- Current EIs have served as a baseline for on-going discussions with the Association of State and Tribal Solid Waste Management Organizations (ASTSWMO) Workgroup to develop a consistent and precise set of metrics that can be used for all State and Tribal solid waste programs across the country.

In addition to the three current EIs, the Superfund program is developing three new EIs. These are based on data currently entered into WasteLAN or data fields that will be included in WasteLAN. Indicators being reviewed as prototypes include the following:

- Indicator D assesses the reduction in human health risks and the elimination of exposure pathways by Superfund actions. A primary focus of Indicator D—documenting the protection of human health—is accomplished through site-specific risk reduction case studies. Indicator D assesses the degree to which health threats have been reduced by the actions taken at hazardous waste sites in terms of cancer risk reduction and non-cancer hazard reduction.
- Indicator E is being developed to account for the progress being made toward protecting ecological resources. Indicator E reports the effects of hazardous wastes on flora and fauna surrounding and within Superfund sites, the remedial actions taken to mitigate ecological stressors, and the actions Superfund has taken to restore critical ecological resources.

- Indicator L provides a metric of land that is returned—or potentially ready to be returned—to productive use through site cleanup. Because of the incremental stages inherent in site cleanup, land or acreage returned potentially can fall into one of four categories: (1) deleted from the NPL; (2) construction completion; (3) partial deletions (fully remediated parcels of land at sites that otherwise have not yet been entirely cleaned up); and (4) sites potentially ready to return to productive use. It is expected that this Indicator will not only show acreage returned, but will also be used in conjunction with Indicator B, medium goal attainment, to indicate future partial deletion sites.

Environmental Indicators and WasteLAN - With the implementation of the new generation of WasteLAN, a number of system and architecture improvements have occurred that facilitate the update of EI and reflect the program's increased understanding of environmental progress tracking. Improvements to WasteLAN include:

- EI data entry aligned with quarterly SCAP reporting, and EI audit reports (Site 12) provided to the Regions semi-annually;
- Reduced EI reporting requirements on the Regions due to increased sharing of data between functionally-linked areas in the new database;
- All data, including goal attainment, tracked for non-NPL as well as NPL sites;
- In some instances (for example, at the site level), goal attainment is automatically calculated;
- Risk data is used to support Indicator D reporting;
- On-line EI reports are available to Remedial Project Managers (RPMs) and Information Management Coordinators (IMCs) — for example, the national, Regional, and State-level EI data compilation reports, and an EI data quality report; and
- An improved EI Audit Report (Site-12), to be provided to the Regions semi-annually, is expected to increase the precision and accuracy of EI data by allowing RPMs and IMCs to automatically review data points outside two statistical deviations, edit EI data errors, and include EI data omissions regarding their sites.

Effective Contract Management

Good contract management is a Superfund priority, as well as an Agency-wide priority. The Agency is completing the final phase of implementation of the Superfund Long-Term Contracting Strategy (LTCS).

LTCS provides the mechanisms for greater contractor flexibility and improved oversight and cost management by giving Regions full responsibility for contract management. For example, the national Special Analytical Service (SAS) contracts have been totally decentralized. Each Region has implemented its own strategy by taking over the management of the SAS contracts. In addition, Regional contracting officers and project officers are currently managing a new stable of Regional Superfund contracts in the following areas: Superfund Technical Assistance and Response Teams (START); Emergency and Rapid Response Services (ERRS); Response Action Contracts (RACs); and Enforcement Support Services (ESS).

The Agency established a national workgroup to develop a new Superfund acquisition strategy for the year 2000 and beyond. The Contracts 2000 strategy builds upon the LTCS paradigm. The new strategy retains two key tenets of LTCS—a one-program approach and decentralization of contracts management to the Regions. However, it represents a shift away from large umbrella contracts, such as ARCS and RACS, toward smaller more functional contracts.

Under the Contracts 2000 strategy, the Response Action Contracts (RACS) contract will be divided into two distinct contracts. A remedial design contract to do Remedial Investigation/Feasibility Studies (RI/FS), and a remedial action contract for construction. The strategy will incorporate RI/FS into the new design contract rather than in the follow-on Superfund Technical Assessment and Response Team (START) contract.

The new strategy will increase opportunities for fixed price, completion form, and other performance-based contracting mechanisms, as well as socioeconomic opportunities for small and disadvantaged businesses. Contracts 2000 retained the LTCS components of the Enforcement Support Services (ESS), START, and ERRS contracts. On the other hand, the strategy will bring uniformity in the ordering and delivery of Analytical Services.

The Contracts 2000 Strategy achieves national consistency through the development of uniform statements of work. Regional flexibility is obtained via a menu driven option allowing Regions to select only those activities from the SOW necessary to support program functions. However, items not selected must be explained in the acquisition plan as to where these services will be obtained.

On the other hand, contracts will be more efficient and effective as for time and cost, and the potential for contract overlap across Superfund contracts will be reduced. The strategy continues to rely upon the U.S. Army Corps of Engineers and the Bureau of Reclamation to provide the Agency with significant resources for construction management support.

At Federal facility sites, particular attention must be paid to potential or actual conflicts of interest involving EPA contractors who also may be working for another Federal agency.

Building Superfund Partnerships

FY 99/00 goals to support building Superfund partnerships and leveraging existing resources are:

- Provide tools for Regions to use to promote and continue early community involvement in key clean-up decisions, specifically regarding land use, risk assessment, and RODs;
- Work with State, Tribal, and business associations to determine ways to improve their capabilities to clean up hazardous substances and respond to spills; and
- Implement a cooperative program with oil companies to prevent and respond to leaking above ground tanks.

Initiatives include continuing the implementation of the Brownfields Economic Redevelopment Initiative, enhancing the State/Tribal role, providing States/Tribes with increased funding allocation decision authority, clarifying the policy for NPL listings, and providing States and Tribes with an increased role in remedy selection.

Enhancement of State/Tribal Role

The Superfund program places a very high priority on empowering States and Indian Tribes to play a greater role in the Superfund program's implementation. The Administration's Superfund reauthorization position and several Superfund reforms are evidence of this.

Entering FY 98, EPA HQ, Regions and States/Tribes were completing a collaborative plan to enhance the role of States and Tribes in Superfund's implementation. This work is coordinated by the Leadership Integration Team, which includes the leaders of four HQ/Region/State-Tribal workgroups: (1) Readiness, (2) Assistance, (3) Agreements, and (4) Tribal programs. A State/Tribal Superfund Management Council (SMC) provided executive direction and input to this effort.

Proposed pilot recommendations call for pilot implementation of the plan's integrated process for enhancing the State/Tribal role during FY 98. This will entail work by EPA Regions and State/Tribes to assess current levels of readiness for various Superfund program functions, identification and negotiation of financial and technical assistance to enhance readiness, and development of new program agreements to foster increased State/Tribal responsibilities in Superfund implementation.

Superfund Block Funding/EPA Performance Partnership Grants

EPA has developed an Agency-wide system for providing States/Tribes with increased funding allocation decision authority. The National Environmental Performance Partnership System (NEPPS) establishes a structure for Performance Partnership Grants (PPG), a single grant made to a State or Tribe from grant funds allocated and otherwise available for existing categorical grants programs. PPGs are voluntary and provide States and Tribes with the option to combine funds from two or more categorical grants into one or more PPG(s).

The purposes of the PPG are to (1) increase State and Tribal flexibility to address their highest environmental priorities across all media and establish resource allocations based on those priorities, while continuing to address core program commitments; (2) more effectively link program activities with environmental goals and program outcomes; (3) develop innovative pollution prevention, ecosystem, and community based strategies; and (4) develop partnerships between EPA and the States and Tribes where all parties share the same environmental and program goals, and deploy their unique resources and abilities to jointly accomplish those goals.

By statute, Superfund monies cannot be included in PPGs, because these funds may not be expended for purposes other than Superfund. Nonetheless, several States are including their Superfund programs in NEPPS agreements and, in time, it may be feasible to include Superfund resources in PPGs. In the near-term, Superfund is exploring the feasibility of Superfund Block Funding awards to move in a direction consistent with PPGs; initial block funding awards have been made to Minnesota and Colorado. EPA will be working to encourage further progress toward the goals of flexible funding within the context of strong program commitments to Superfund outcomes.

RCRA/NPL Deferral of Federal Facility Sites

Background - On March 31, 1989 (54 FR 10520) the Agency adopted a policy for listing Federal facility sites that are eligible for the NPL, even if they are also subject to the corrective action authorities of Subtitle C of RCRA. The Agency based its decision on the view that CERCLA and its legislative history indicate that Congress intended that Federal facility sites generally be placed on the NPL and addressed under the Interagency Agreement process set out in CERCLA section 120(e).

CERCLA Section 120(d) - The Defense Authorization Act of FY 97, amended CERCLA section 120(d) and now provides in section 120(d)(2)(B) that:

It shall be an appropriate factor to be taken into consideration for the purposes of section 105(a)(8)(A) [NPL listing] that the head of the department, agency, or instrumentality that owns or operates a facility has arranged with the Administrator or appropriate State authorities to respond appropriately, under authority of a law other than this Act [CERCLA], to a release or threatened release of a hazardous substance.

The legislative history of this provision indicates that Congress sought to give the EPA Administrator discretion to "withhold National Priorities List designation of a Federal facility cleanup action if the site is already subject to an approved Federal or State cleanup plan." In light of this amendment to CERCLA and the ongoing Agency efforts for administrative reforms to CERCLA that allow greater flexibility to address Superfund sites, EPA is revising its listing policy for Federal facility sites. The Agency believes that this revision may free CERCLA

oversight resources for use in situations where another authority is not available.

Criteria for RCRA/NPL Deferral of Federal Facility Site - A site should satisfy all of these criteria to be eligible for deferral. Where there is uncertainty as to whether the criteria have been met, deferral generally will be inappropriate. The criteria are as follows:

1. The CERCLA site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions.
2. The response under RCRA is progressing adequately.
3. The state and community support deferral of NPL listing.

Clarifying Policy for NPL Listings

During FY 97, OSWER issued two policy statements for listing sites on the NPL, which clearly showed EPA's intent to increase the role of States and Tribes in NPL site selection. These policies clarify the program's approach to coordinating listings with States and Tribes. The November 14, 1996, policy memorandum entitled "Coordinating with the States on National Priorities List Decisions" provided information on OSWER's expectations that Regions consult with States and Tribes on sites the Region believes warrant consideration for listing on the NPL. It required Regions to query States/Tribes regarding their support for NPL listing as early as practical, ideally prior to initiating a Hazard Ranking System (HRS) package.

A follow-up memorandum was issued on July 25, 1997, entitled "Coordinating with the States on National Priorities List Decisions -- Issue Resolution Process." This policy clarified the process to resolve any cases where the Region advocates listing a site on the NPL, but the affected State or Tribe is not supportive of NPL listing. It calls for formal correspondence and high-level negotiations between the Region and State, and provides a process for the AA SWER to decide any cases that can not be resolved directly between the Region and State/Tribe. Both of these policies will remain in effect in FY 99/00.

The Superfund program is also considering means for streamlining the listing process. This initiative includes providing greater autonomy to Regions to perform the actual site listings and developing a more concise documentation record to support NPL listings. This streamlining initiative should make the listing process quicker and more efficient.

Current plans are to publish three combined Proposed and Final NPL Listing rules during the fiscal year. The preliminary schedule called for combined rules in January, May, and September, 1998. Also, HQ is available to provide any early technical assistance Regions may desire for NPL listing actions. Any questions regarding NPL listing policies or technical assistance should be directed to the State, Tribal and Site Identification Center of OERR.

Policy for Deleting Sites from the NPL Based Upon RCRA Deferral

Background - RCRA Deletion Policy- On March 20, 1995 (60 FR 14641), EPA announced the adoption of a policy for deleting RCRA facilities from the NPL before a cleanup is complete, if the site is being, or will be, adequately addressed by the RCRA corrective action program, and provided certain criteria were met. The Agency based its action on the goals of freeing CERCLA oversight resources for sites where another authority is not available and avoiding possible duplication of effort. The Agency made clear that such policy does not pertain to Federal facility sites, even if such facilities are also subject to the corrective action authorities of

Subtitle C of RCRA. The Agency noted that one of the primary goals of deferral — maximizing the use of limited Fund monies — did not apply to Federal facility sites since Federal facilities typically are not eligible for Fund financed remedial action. Furthermore, the goal of avoiding duplication of efforts could be resolved through the use of comprehensive Interagency Agreements.

Revision to RCRA Deletion Policy - CERCLA section 120(d) was amended by the Defense Authorization Act of FY 97. The legislative history of this provision indicates that Congress sought to give the EPA Administrator discretion to "withhold National Priorities List designation of a Federal facility cleanup action if the site is already subject to an approved Federal or State cleanup plan." (Conference Report at 724). In light of EPA's express discretion under section 120(d), EPA believes that is also now appropriate to apply the Agency's RCRA deletion policy to Federal facility sites on the NPL. The first criterion under the RCRA deletion policy is that a site be eligible for RCRA deferral under EPA's current RCRA/NPL deferral policy. Until EPA revised the 1989 Federal facility site listing policy, no Federal facility could satisfy the RCRA deletion policy criteria. The Agency believes that revising the RCRA Deletion Policy to be applicable to Federal facility sites is consistent with CERCLA section 120(d), as amended, and the ongoing Agency efforts for administrative reforms to CERCLA that allow greater flexibility to address Superfund sites. The Agency believes that this revision may free CERCLA oversight resources for use in situations where another authority is not available. Notwithstanding this policy revision, EPA still believes that duplication of effort at Federal facility sites can be resolved through the use of comprehensive Interagency Agreements.

Piloting State Remedy Selection

State remedy selection is a Superfund reform that will allow some States, through pilots to select remedies consistent with CERCLA and the National Contingency Plan (NCP) for some operable units at non-Federal facility sites. The goal of this reform is to provide States with an increased role in remedy selection at NPL sites in certain circumstances. State remedy selection allows States to take the lead in selecting remedies while ensuring that the cleanup approach will be consistent with CERCLA and NCP. Under this pilot project, the State determines the cleanup approach for the ROD.

EPA and selected States will enter into agreements through which the States will conduct the remedy selection process, consistent with applicable laws and regulations, at certain NPL sites. Participating States supervise the entire remedy selection process with minimal EPA oversight or involvement, giving States significantly more control over NPL site cleanup.

An EPA HQ and Regional workgroup has developed criteria and a process to solicit new pilot proposals from States, and a standard evaluation approach to assess the results of previous and new State remedy selection pilots. The criteria and process will be communicated to the Regions in a pending memorandum from the director of OERR.

During FY 99/00, Regions will be working with interested States to review and approve new State remedy-selection pilots, to monitor ongoing pilots, and evaluate previous experiences. This Superfund reform initiative will provide important lessons for implementation of a more broadly enhanced role for States and Tribes in the Federal Superfund program.

Encouraging a Customer Orientation

To provide superior customer service, the following priorities established in FY 98 will continue in FY 99/00:

- Enhance service to internal and external EPA Superfund customers, as well as to Regional customers by providing timely, accurate information;

- Promote effective team performance by mentoring and providing leadership that adapts to the person and the situation, and by providing tools for teams to use in becoming more effective and in solving performance problems; and
- Enhance the readiness of Regional staff in dealing with emergency situations.

Brownfields

History

EPA's Brownfields Economic Redevelopment Initiative is a comprehensive approach to empower states, communities, and other stakeholders to prevent, assess, safely clean-up, and sustainably reuse brownfields. EPA defines brownfields as **abandoned, idled, or under-used industrial or commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination**. Through the Brownfields Action Agenda announced by EPA Administrator Carol Browner in January 1995, EPA and other federal agencies are focusing on clarifying environmental liability and clean-up issues through issuance of Prospective Purchaser Agreements and Comfort Status Letters, providing funding for demonstration pilot projects and other search efforts, initiating partnerships with key stakeholders, conducting outreach activities, implementing job development and training programs, and addressing environmental justice concerns. The Agency has worked with States, cities, Federally recognized Indian Tribes, community representatives, other Federal Agencies, and other stakeholders to implement the many commitments made in January 1995. In mid-June, the Agency accomplished 100 percent of the commitments with the announcement of the last awards for Brownfields pilots and the signing of the Soil Screening Level guidance. Some of the remaining issues on liability will require a new Superfund law.

Brownfields Pilots

As part of the Brownfields Action Agenda, the Agency has awarded 121 Brownfields Assessment Demonstration Pilots that are funded through cooperative agreements of up to \$200,000 each for a two-year period. Of the 121 pilots, 64 are national pilots selected and funded through EPA HQ. The Brownfields pilot program is intended to provide EPA, states, local governments, and federally recognized Indian tribes with useful information and new strategies for promoting a unified approach to environmental assessment, clean-up, and reuse.

Brownfields National Partnership Action Agenda

EPA convened an interagency working group of more than 20 Federal departments and agencies to coordinate brownfields activities. The workgroup has developed the National Partnership Action Agenda, which includes specific commitments of resources and activities supporting brownfields from EPA and its Federal partners (HUD, HHS, DOC, GSA, DOT and others). The National Partnership demonstrates how coordinated action on brownfields cleanup and redevelopment at the Federal level can help support efforts at the local level.

Tax Incentive

In his January 23, 1996, State of the Union address, the President announced a brownfields tax incentive. Currently, tax expenditures that increase the value or extend the useful life of the property must be capitalized for tax purposes, and the costs recovered over the life of the property. This capitalization treatment contrasts with repair and maintenance expenditures, which are generally deducted in the year incurred. The time frame for the deductibility of environmental remediation expenditures has long been disputed between taxpayers and the Internal Revenue Service (IRS). In 1994, the IRS passed a ruling that enables current owners to immediately write off environmental remediation costs. On August 5, 1997, President Clinton signed the new tax incentive into law. It provides the same

tax incentive for prospective purchasers, allowing them to "expense" their cleanup costs at brownfields sites over a relatively short period of time rather than "capitalize" them over the useful life of the property. The brownfields tax incentive sunsets after five years, thereby covering eligible costs incurred or paid from the date of enactment until December 31, 1999.

Oil

The Agency shares responsibility with the United States Coast Guard (USCG) and other agencies for implementing major provisions of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). EPA will work on finalizing proposed revisions to the Oil Pollution Prevention regulation, also known as the Spill Prevention, Control, and Countermeasure (SPCC) regulation; work with facilities on ensuring compliance with the SPCC regulation; continue the review, inspection, and approval of facility response plans (FRP); continue the development and improvement of area contingency plans (ACP) and participation in area drills and other exercises; and respond to oil spills, or direct, monitor or support others' responses, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP).

I.C SUPERFUND REFORMS (PREVIOUSLY KNOWN AS ADMINISTRATIVE REFORMS)

The Superfund program has achieved substantial progress in cleaning up hazardous waste sites and protecting human health and the environment during its more than 16 year existence. In addition, there have been serious proposals for improvement of the program to make it faster, fairer, and more efficient. Since 1993, EPA has launched three rounds of reforms to Superfund to address criticisms raised by affected parties and to improve the pace, cost, and fairness of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. These reforms were intended to accomplish different goals, ranging from strengthening of the program prior to reauthorization to testing concepts developed during Congressional debate on actual legislation. As a result of all the new and continuing reforms, Superfund is a dramatically different program today than it was at its inception.

EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. Since 1980, EPA has evaluated more than 40,000 sites, conducted nearly 5,000 early actions, and completed construction at over 500 of the more than 1,300 sites on the NPL in an effort to protect human health and the environment. Much has changed in the Superfund program since 1980. Not only did SARA produce significant legislative changes, but EPA also instituted a substantial number of administrative changes.

Since the implementation of Superfund reforms, it has strengthened the program and allowed concepts to be tested prior to reauthorization. EPA has effectively reduced the pursuit of small volume (i.e., *de minimis* and *de micromis*) contributors by private parties, increased public involvement in the cleanup process by creating Regional Ombudsmen to address public concerns, and promoted economic development and environment justice with Brownfields and job-training initiatives.

As a result, today's Superfund is dramatically different than it was just five years ago. EPA has streamlined cleanups, reduced litigation and bureaucracy and made common sense improvements to Superfund.

On June 23, 1993, EPA Administrator Carol Browner announced 17 initiatives aimed at: (1) increasing enforcement fairness and reducing transaction costs; (2) improving cleanup effectiveness and consistency; (3) expanding meaningful public involvement; and (4) enhancing the State role in the Superfund program. On September 30, 1994, EPA issued the "Superfund Administrative Reforms Closeout Report," which identified lessons learned from the first round of reforms. It also closed out several of the initiatives and identified a group of continuing initiatives to be integrated into the Superfund program.

In February 1995, EPA announced an additional 12 initiatives designed to improve the Superfund program. This second round of reforms encompassed six general areas: enforcement; economic redevelopment; community involvement and outreach; environmental justice; consistent program implementation; and State and Tribal empowerment. Many of these initiatives included pilots that are continuing to furnish information on the operation and changes in the program. The specific reforms in Round 2 are:

1. PRP Search Pilots;
2. Expedited Settlements;
3. Allocation Process;
- 4a. Brownfields Pilot Projects;
- 4b. Community Outreach;
- 4c. Refining CERCLIS;
- 4d. Clarifying NPL Sites;
- 4e. Removing Liability Barriers;
- 5a. Community Advisory Groups (CAGs);
- 5b. Technical Assistance Grants (TAGs);
6. Community Involvement in the Enforcement Process;
- 7a. Training and Health Service Assistance to Communities;
- 7b. Job Training and Development;
8. Guidance for Remedy Selection;
- 9a. Risk-Sharing: Implementing Innovative Technology;
- 9b. Risk-Sharing: Identifying Obstacles to Using Innovative Technology;
10. Voluntary Cleanup Program;
11. Integrated Federal/State/Tribal Site Management Program; and
12. State/Tribal Superfund Block Funding.

In October 1995, EPA Administrator Carol Browner announced the third and final round of "Superfund Reforms." This third round of "common sense" reforms was intended to assist State and local governments, communities, and industries involved in cleanups to more easily: (1) make cost-effective cleanup choices that protect public health and the environment; (2) reduce litigation so more time and money can be spent on cleanup and less on lawyers; and (3) help communities become more informed and involved so that cleanup decisions make the most sense at the community level. The specific reforms in Round 3 are:

- 1a. Establish National Remedy Review Board;
- 1b. Establish New Remedy Selection Management Flags ("Rules of Thumb");
2. Update Remedy Decisions at Select Sites;
- 3a. Clarify the Role of Cost in the Remedy Selection Process;
- 3b. Directive on National Consistency in Remedy Selection;
4. Clarify Information Regarding Remedy Selection Decisions;
- 5a. Community Participation in Designing Risk Assessments;
- 5b. PRP Performance of Risk Assessments;
- 6a. Establish National Criteria on Superfund Risk Assessments;
- 6b. Standardize Risk Assessments;
- 6c. Utilize Expert Workgroup on Lead;
7. Establish Lead Regulator for Federal Facilities;
8. Consider Response Actions Prior to NPL Listing;
9. Delete Clean Parcels from the NPL;
- 10a. Promote Risk-Based Priority Setting at Federal Facility Sites;
- 10b. Promote Risk-Based Priority for NPL Sites;
11. Orphan Share Compensation;
12. Site Specific Special Accounts;
13. Equitable Issuance of UAOs;
14. Revised *De Micromis* Guidance;
15. Adopting Private Party Allocation;

16. Reduced Oversight for Capable and Cooperative PRPs;
17. Authorize Remedy Selection by States and Tribes;
18. Pilot Community-Based Remedy Selection Process;
19. Establish Superfund Ombudsman in Every Region; and
20. Improve Communication with Superfund Stakeholders.

The FY 99/00 priorities for Superfund reforms are: (1) consistent implementation of reform initiatives in HQ and the Regions; (2) refinement of the reforms based on experience to date; and (3) further evaluation of reforms and enhanced communication of impacts and results to stakeholders. EPA will assure nationally consistent implementation of the reforms through the following measures: aggressive efforts to assure that program implementers and their managers are familiar with each reform; increased understanding of the circumstances giving rise to the reforms; and enhanced management accountability based on appropriate monitoring of results and program accomplishments. EPA will establish mechanisms to share reform experiences from site-to-site and Region-to-Region, as it continues to refine and improve the ways the Superfund program is implemented.

The reforms of the second and third rounds have been implemented at various times over the last four years. For many of the reforms, sufficient time has elapsed to involve the Regions and HQ in collecting and evaluating information in FY 99/00. Among other things, EPA will look at the impact of the reforms on the program. The Agency must assure that reforms result in a more successful program at the site level. EPA HQ and the Regions must effectively communicate with stakeholders to increase their understanding of: why the initiatives were developed; what they are designed to accomplish; and how they have changed the way we implement the program in communities. [For additional information on this topic, please see the Superfund Reform and Measures of Success section of Appendix C (OECA) and Appendix G].

Risk Based Priorities for Contaminated Sites

EPA considers risk to be a major factor when establishing priorities and allocating resources to contaminated sites. In order to develop this priority-setting system for funding cleanups, the Superfund program has established a National Risk-Based Priority Panel for reviewing new start construction activities and for recommending funding strategies for Fund-lead response actions based upon the principle of "worst problems first."

The panel consists of representatives from the ten Regions and HQ. Panel members are chosen based upon experience and expertise in construction cleanup and resource management. The panel ranks projects using various factors such as human health risk, contaminant stability and characteristics, ecological risk, and program management considerations. Risks to human population exposed and contaminant stability are given the greatest weights. A cumulative score is tallied for each construction activity reviewed by the panel, and a prioritized list is developed for new construction activities initiated during the FY. Funds are provided for new cleanup work during the FY based primarily on the project evaluations and recommendations of the National Risk-Based Priority Panel.

National Risk Assessment Criteria

Administrative Reform #6A directed EPA to establish national criteria to plan, report, and review Superfund risk assessments. The March 1995 Browner Risk Characterization Policy and Guidance Memorandum directed improvement in the transparency, clarity, consistency, and reasonableness of risk assessments at EPA.

Risk Assessment Guidance for Superfund (RAGS)—Volume I Human Health Evaluation Manual (Part D, Standardized Planning, Reporting and Review of Superfund Risk Assessments) (Interim) fulfills the Administrative Reform #6A mandate and responds to the Risk Characterization Memorandum challenges.

The RAGS Part D approach consists of three basic elements:

- Use of standard tools [includes standardized technical approach for risk assessment (TARA) and standard tables];
- Continuous involvement of EPA risk assessors (from scoping through remedial action); and
- Electronic data transfer to WasteLAN (the national Superfund data base).

RAGS Part D benefits include the following:

- Interim deliverables increase the likelihood that risk assessments are reasonable, transparent, and acceptable;
- Continuous involvement of EPA risk assessors improves consistency between project phases and provides real-time review of risk assessment deliverables;
- Clarity of standard tables presentation promotes easy use in risk management decision;
- Electronic data transfer simplifies WasteLAN data entry;
- Easy access to risk information promotes program consistency;
- More efficient EPA risk assessor review improves program quality; and
- Transparency of risk information facilitates program-level risk management evaluations.

RAGs Part D is to be implemented in all applicable Superfund risk assessment planning and development activities effective January 1, 1998. Evaluation of the standard tools took place in FY 98, and modifications will be made as necessary in FY 99.

Regional training was conducted in the spring of FY 98 in all EPA regions for RPMs and risk assessors.

Superfund/Oil Program Implementation Manual FY 99/00

Chapter II: Program Planning and Reporting Requirements

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Chapter II Program Planning and Reporting Requirements

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CHAPTER II

PROGRAM PLANNING AND REPORTING REQUIREMENTS

II.A INTRODUCTION

The Government Performance and Results Act (GPRA) formalizes the process by which the Agency plans. It focuses the Agency on planning strategically, developing goals that are outcome-focused, consulting with both internal and external customers when developing the Agency's strategic plan, and developing performance plans that look toward intended results, not just inputs and outputs.

The Office of Emergency and Remedial Response (OERR), Office of Site Remediation Enforcement (OSRE), the Federal Facilities Enforcement Office (FFEO), the Federal Facilities Restoration and Reuse Office (FFRRO), and the Outreach and Special Project Staff (OSPS) are responsible for overall program planning, including implementing the requirements of GPRA and reporting on Superfund program accomplishments. *The Superfund Comprehensive Accomplishments Plan (SCAP) is the process by which the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), Assistant Administrator for the Office of Enforcement and Compliance Assistance (AA OECA) and senior Superfund managers monitor progress towards meeting the GPRA targets and annual performance goals.* In addition, SCAP will continue to be used as a management tool to project and track activities that contribute to these GPRA goals and support resource allocation. Regions should continue to plan and report accomplishments in WasteLAN as they have done traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, targets (GPRA targets/annual performance goals) and measures (GPRA and program measures) are defined as follows:

- **GPRA Targets/Annual Performance Goals** are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices. They are numerical goals that are established nationally prior to the start of the operating year; for example, 136 construction completions at Superfund National Priorities List (NPL) sites in FY 99.
- **Measures** are activities deemed essential to tracking overall program progress; there are no externally reported numerical goals or estimates associated with measures. There are two types of measures: GPRA measures and program measures. GPRA measures simply track the number of actions that occur throughout the year (accomplishments) and are used to evaluate program progress; for example, the number of agreements negotiated with States and Tribes. Program measures are used to project the number of events and activities that each Region expects to perform during the year using anticipated resources; for example, the number of sites where EPA settled based on ability-to-pay determinations.

Successful planning requires the reflection and accurate costing of program priorities in the budget and workload model, and translation of the priorities and resource requirements into specific output commitments via the SCAP. Candid evaluation of performance against these commitments is essential to assess the viability of program priorities, resource requirements and overall program effectiveness.

II.B INTEGRATED PLANNING

Integrated planning is the responsibility of HQ and Regional program offices; Regional finance offices; the States; Tribes; and affected communities; the Office of Regional Counsel (ORC); DOJ; and other Federal agencies. Information on planned activities should also be coordinated with the Natural Resources Trustees and the Agency for Toxic Substances and Disease Registry (ATSDR). To provide adequate resources to achieve Superfund's GPRA objectives and subobjectives, HQ allocates resources within and between the site assessment, response, enforcement, Federal facilities and Brownfields programs. Regions are responsible for providing data on the level of resources needed to accomplish those priority activities and negotiate commitments consistent with realistic site planning. Regions should

not accept targets that require completion of activities that cannot be funded or staffed within the resources provided. This requires Regions to reconcile FY 99/00 targets and their Superfund pipeline with the financial operating plan proposed by HQ.

Flexibility is greatest in the budget planning years. Realistic outyear planning data (milestones and funding needs) allows HQ to prepare requests for resources based on Regional needs. Exhibit II.1 summarizes levels of flexibility as the operating year is entered. Major phases in the decision making continuum include:

- *Formulation of the outyear GPRA annual performance plan and budget occurs 12 to 18 months prior to the FY.* The GPRA annual performance plan includes objective, results-oriented, quantifiable and measurable performance goals; resources necessary to meet goals; performance indicators to assess outputs, services, and outcomes; and verification and validation procedures. Development of the budget includes identification of major program issues, analysis of program costs, and alignment of resources among competing priorities. The budget will be based upon (1) the President's budget, (2) Regional WasteLAN planning data, and (3) GPRA annual performance targets and the ability of a Region to contribute to the program's targets. Activities receive resource allocations that are established by the Administrator and the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER) or the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA). These allocations balance the needs of the Superfund program with the needs of other Agency programs.
- *Development of the initial operating plan occurs six months prior to the FY and is finalized before the start of the FY.* The proposed response, Federal facilities, and enforcement operating plans are developed based on the average amount of money obligated/tasked by the Region in each of the AOA categories during the current year, regional projections for the upcoming years and considering prior year expenditures. OSWER and OECA negotiate the final operating plan based on Regional response to the initial operating plan, the Regional pipeline, past Regional accomplishments and planned durations/dollars, Regional requests for the budget reserve, and associated GPRA targets/annual performance goal commitments. OSWER and OECA provide resources to support the program through the Advice of Allowance (AOA) and workload process. Regions are expected to work within the annual Regional budgets established at the start of the year until the mid-year evaluation. Regions have flexibility within the general budget and AOA structure to shift funds as needed to meet priority activities. (See Chapter III for additional information on shifting funds.) Once the operating plan is established at the start of the year, additional resources generally can be shifted to a Region only at the expense of resources from other Regions. However, HQ may shift funds among the Regions depending on the level of use and need.
- *Use of the mid-year evaluation to realign resources in the current FY.* Current year resource adjustments focus on changes needed due to cost and project schedule modifications. Changes may result in shifts within program areas and among Regions, and revised annual funding levels. Estimates developed in April/May for the upcoming FY represent the first formal opportunity for changing resources among program areas at a national level. The revised resource estimates also serve as a "baseline" for examining program needs in the budget year.

Exhibit II.2 describes the information flow and HQ and Regional responsibilities associated with integrated planning.

II.C INTRODUCTION TO THE SUPERFUND COMPREHENSIVE ACCOMPLISHMENT PLAN (SCAP)

The SCAP process is used by the Superfund program to plan, budget, track, and evaluate progress toward achieving Superfund GPRA objectives and subobjectives. The SCAP planning process is a dynamic, ongoing effort that has a significant impact on Superfund resource allocation and program evaluation. Planned obligations and reporting of GPRA targets/annual performance goals and measures are generated through SCAP and influence the Superfund budget and evaluation process. Such planning is a day-to-day responsibility of the Regions. An annual process has been established through which HQ and Regions formally develop work plans for the future. WasteLAN serves as the conduit for the SCAP process by providing both HQ and Regions with direct access to the same data. With the implementation of the new WasteLAN system, reports can be produced allowing for daily interactive updates of planning and site cleanup progress information.

II.D RELATIONSHIP OF SCAP TO OTHER MANAGEMENT TOOLS

The SCAP process is crucial to Superfund program planning, tracking, and evaluation. As the Superfund program's central planning mechanism, it is interrelated with all Agency and Superfund program specific planning and management systems, including the GPRA annual performance plan, the Superfund budget, Agency Operating Plan, Memorandum of Agreement/Management Agreements and the Superfund workload models. GPRA targets/annual performance goals are designed to reflect the strategic plans and the Agency's goals, objectives, and subobjectives for the upcoming year and, as such, is the Superfund Program's Memorandum of Agreement. In some cases, new categories are developed, or the projections for activities are adjusted, to match these goals.

Management Tools

Most of the Superfund program's budget is based on planning and accomplishment data recorded in WasteLAN. The operating year's budget is developed 18 months prior to its beginning. For example, data existing in the third quarter of FY 99 will be used to formulate the FY 2001 budget. The site schedules reflected in SCAP serve as the foundation for determining outyear budget priorities, such as the dollar levels to be requested in the budget and the total level of FTEs to be made available for distribution. Because dollars for Fund-financed remedial actions, and RDs dominate the overall Superfund budget, it is critical that the Regions identify RD, and remedial action candidates and projected funding needs. Cost estimates for remedial actions should be derived using the draft FS or ROD estimates. Brownfields budgets are based on decisions during selection of pilot sites. Progress tracking of the Brownfields program is being led by the Institute for Responsible Management (IRM) with support from individual Regions.

The Superfund budget provides the basis for the Agency Operating Plan. The preliminary Operating Plan, which is finalized prior to the FY, establishes the funds available to the Regions for performing Superfund work. (The final Operating Plan is established following Congressional approval). Enforcement operating plans are adjusted in the first quarter of the FY based on Regional contract carryover.

EXHIBIT II.1
FLEXIBILITY SCALE FOR BUDGETING/PLANNING

| ← Minimum | | Maximum → |
|--|--|--|
| Operating Year Budget (FY99) | Planning Year Budget (FY 00) | Outyear Budget (FY 2001) |
| 1. Operating Plan establishes funding ceiling (98/4) | 2. Development of Operating Plan begins 6 Months Prior to FY and is based on prior years obligations and Regional projections for the upcoming years (Begins 99/2) | 3. Formulations Begins 12-18 months prior to FY; largely dependent on Regional planning data in WasteLAN (Begins 99/3) |
| 1. Semi-annual targets are set - Targets can be changed only through a written request from the Regional Division Director to the OERR or OECA, FFRRO, or OSPS Office Directors. | 2. Regional GPRA targets/annual performance goals finalized in September | 3. National targets are set based on schedules and estimated costs for program activities, which drive budget request |
| 1. Pricing factors are set - Cannot change pricing on actions | 2. Pricing factors can be changed through Regional/HQ consensus | 3. Pricing factors are subject to review |
| 1. Additional funds can only be obtained through special requests | 2. The budget is set but there is more leeway to make adjustments based on proven need | 3. Budget is constrained based on resources cap imposed by AA and Administrator unless exception can be justified |
| 1. Regions have flexibility within general budget and AOA structure to shift funds to meet priority activities | 2. Regions request funds to meet GPRA annual performance and Regional pipeline goals | 3. Maximum flexibility to design budget to optimize cross-program priorities |
| 1. Mid-Year evaluation used to realign current year resources | 2. Final GPRA targets/annual performance goals set final resource levels (99/4) | 3. N/A |
| 1. Flexibility on dollars much greater than FTEs through Regional reprogramming | 2. Flexibility on dollars and FTE may be constrained by President's budget and/or appropriated levels. | 3. N/A |
| 1. Resources for response actions will be funded based on the Priority Panel decisions | 2. Candidate sites are identified for the Priority Panel | 3. N/A |

EXHIBIT II.2
HQ/REGIONAL INTEGRATED PLANNING RESPONSIBILITIES

| Regional Responsibilities | HQ Responsibilities |
|---|---|
| <p>Manage projects to integrate Enforcement and Fund milestones and to ensure schedules and timelines are met</p> <p>Involve the State, ORC, and finance offices in the planning process</p> <p>Provide accurate, complete, and timely project planning data in WasteLAN</p> <p>Follow established planning procedures and requirements so that HQ has a common basis with which to evaluate Regional proposals (See Chapter III and the Appendices)</p> <p>Assess Federal agencies environmental projects identified as part of the Office of Management and Budget (OMB) Circular A-11 process and the Federal Agency Environmental Management Program Planning Guidance (FEDPLAN).</p> <p>Identify multi-media planning and cleanup opportunities</p> <p>Recognize that missed commitments severely impact resource availability</p> <p>Identify potential unused funds and return them to HQ within reasonable timeframe for redistribution</p> | <p>Establish a combined Fund, Enforcement, Federal facilities, and Brownfields hierarchy of program priorities in consultation with the Regions to be used in workplanning and adjustment of targets</p> <p>Review integrated operating plans and site commitments proposed by the Regions prior to workplanning</p> <p>Coordinate OSWER, OECA, DOJ, Financial Management Division (FMD), and the Office of Administration and Resources Management (OARM) activities throughout the planning process</p> <p>Work with Regional managers to formulate preliminary resource requests and determine how resources should be adjusted to meet program priorities</p> <p>Communicate with the Regions on changes/additions to schedules</p> <p>Provide funding consistent with each Region's active pipeline phases, shifting Regional resources if needed to support priority activities</p> <p>Develop policy and guidance in response to Congressional or Agency initiatives</p> |

In FY 99/00, each Region's FTE distribution continues to be frozen at the FY 90 distribution ratio. While the freeze ensures that the total Regional Superfund resources are not affected, shifting of resources within the Region among the different program areas to support Agency/Regional program priorities may occur. This includes shifts between the response and enforcement programs. All shifts will be based on the national budget (see Chapter III) and program priorities (see Chapter I). **[Note: *Shifts between program elements (fields) in excess of \$500,000 requires Congressional approval.*]**

Executive Order 12088, Federal Compliance with Pollution Control Standards, directs the head of each executive agency to ensure that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to all facilities and activities under control of the agency. The Executive Order directs that an annual plan be developed and submitted to the EPA Administrator and specifies that in preparing its plan, each executive agency will ensure that the plan provides for compliance with all applicable pollution control standards. The Federal Agency Environmental Management Program Planning Guidance (FEDPLAN) is a major compliance assistance tool that implements the Executive Order, and is used to identify, track, and report environmental projects that will enable an agency to meet existing requirements or correct identified compliance problems. OMB Circular A-11 further requires that estimates for design and construction of Federal facilities or remedial environmental projects be submitted (for funding) only after consultation with EPA. EPA will then review each agency's pollution abatement plan during a formal update cycle, using newly designed computer software called FEDPLAN-PC, that provides direct feedback to each Federal agency.

Superfund Information Systems

Effective management of the Superfund program requires the availability of accurate information on Superfund sites throughout the country. CERCLIS was developed in the mid-1980s as an integrated system to hold national site assessment, remedial, removal, enforcement, and financial information. In FY 97, all Regions began using the third generation of CERCLIS, now called WasteLAN, to record Superfund planning and accomplishment information. (See Appendix E for more information on WasteLAN.)

II.E OVERVIEW OF THE PLANNING PROCESS (SCAP)

The SCAP process generates data that fulfill the following functions:

- Tracking of accomplishments against GPRA targets/annual performance goals and measures;
- Updating planning assumptions (schedules and funds) for the current FY;
- Developing planning data for the upcoming FY; and
- Providing data for outyear budget planning purposes.

In FY 98, the SCAP planning process resumed a semi-annual work planning schedule. The cycle begins in late March/April with a review of program progress and ends with a formal work planning session in August/September. Therefore, it is essential that planning and accomplishment data in WasteLAN remain current and up-to-date throughout the year and accomplishments be reported as soon as they occur. Site schedules and financial planning information should be reviewed and updated on an ongoing basis (at a minimum on a monthly basis).

Following is a summary of the SCAP planning cycle for non-Federal facilities:

Planning Year

- *Mid-May/ June* - Regions continue their site planning using WasteLAN. The Regions should focus on their individual pipeline, the overall goals and priorities of the program as identified in the GPRA annual performance plan, and how they can achieve their portion of the national effort given proposed resources. In June, HQ issues a Call Memorandum that outlines the FY work planning process and the procedures for preparation for the upcoming work planning sessions. The memorandum will include the finalized AOA structure, GPRA annual program performance targets, and procedures to be used for developing the upcoming year's operating plan.
- *July* - HQ pulls the current fiscal year actuals and planning data for the next two FYs from WasteLAN on the fifth working day in July. In developing the FY operating plan (base budget), HQ will review current and upcoming years' financial planning data as well as historical obligation trends. Funding needs will be totaled in each of the AOAs.

Regions can assume in FY 99 that their removal budget will be held at the same level as FY 98 and is unaffected by this proposal. Also, funding for a new start and on-going remedial actions will be unaffected by this proposal.

HQ will review the funds requested for the activities falling under the Pipeline Operations AOA and then calculate the percentage of funds that each Region is requesting compared to the total Pipeline Operations AOA. HQ will allocate 60 percent of these funds to the Regions [i.e., if a Region was to receive \$30 million as their percentage of the Pipeline Operations AOA, \$18 million (60 percent) would be allocated as part of the base budget.] Each Region's base budget will consist of the funds from 1) the straight-lined Removal AOA based on the FY 98 allocation and 2) 60 percent of its portion of the Pipeline Operations AOA.

To develop targets and allocate the remaining funds for the Pipeline Operations AOA, HQ will conduct regional

OU-specific pipeline analyses (upcoming year and one year out) and a historical trends analysis. The analyses will include a review of historical performance trends, a comparison of regional-specific targets to the national annual response program performance targets (e.g., 136 construction completions in FY 99), and a projection of resources needed to meet these targets. The results of the analyses will be used by the Regional Center Coordinators and the Planning, Analysis and Resources Management Center (PARM) when conducting regional work planning negotiations as a tool to assess regional-specific target levels. The allocation of the remaining funds for the Pipeline Operations AOA (i.e., the remaining 40 percent) will be allocated based on the ability of a Region to contribute to the GPRA response program performance targets for FY 99. The Superfund Federal facilities response program will conduct a similar analysis and share the results with the Regional Superfund Federal Facility Program Managers.

- *September* - Regional work planning sessions will establish Regional budgets and targets (mid-year and end-of-year) and the operating plan (base budget plus increment) for the fiscal year.
- *October* - HQ will meet with the Division Directors to discuss the FY 99 regional-specific commitments and allocation of regional funds based on the national GPRA annual program performance targets. The Superfund Federal Facilities Response Program will issue a memo that outlines regional commitments and allocation of funds to both the Division Directors and the Superfund Federal Facility Program Manager.

Operating Year

- *November* - Enforcement extramural budget carryover amounts are calculated and the FY Regional enforcement budget allocation is finalized. Regions revise their final targets based on commitments that were not met the previous year.
- *April/May* - At mid-year, HQ and the Regions will discuss regional progress in achieving negotiated targets and regional budget utilization (obligation rates). Based on these discussions, remaining funds will be allocated to the Regions to assure program targets are achieved. In some cases, this may involve a reallocation and shifting of resources among Regions. HQ will distribute up to 20% of the remaining funds at mid-year.
- *June* - Prior to distributing the fourth quarter AOA, HQ will review WasteLAN target and accomplishment data and regional obligation rates to assure national program targets are being achieved.

Regions are required to manage their funds and operate within the annual budgets established. Non-RA funds within the Region's budget must be reprogrammed to meet unexpected needs.

II. F CHANGE CONTROL REQUIREMENTS

Stability in the SCAP process through the year is essential to the success of planning and accomplishment reporting/evaluation procedures. The following procedures are used to control changes to items in SCAP:

- Changes (including additions or deletions) to targets, measures, definitions, methodologies, planning processes, accomplishment reporting, financial management, or any other process described in this Manual must be presented by the Office Director for the program office proposing the change, and receive the comments/concurrence of OSRE, OERR, FFRRO, OSPS, and FFEO;
- All proposed changes must be sent to the Regions and all other program offices for review and comment prior to implementation; and
- The decision on whether to proceed with the proposed change must be documented in writing. Copies of all final decisions should be provided to all program offices and Regions. If the proposed change will be implemented, an addendum to the Superfund Program Implementation Manual may be issued.

II.G HQ/REGIONAL ROLES AND RESPONSIBILITIES

Maintaining Planning/Accomplishment Data in WasteLAN

Exhibit II.3 describes the HQ/Regional responsibilities for maintaining planning and accomplishment data in WasteLAN.

The Information Management Coordinator (IMC) is a senior position which serves as Regional lead for all Superfund program and WasteLAN systems management activities. The following lead responsibilities for Regional program planning and management rest with the IMC:

- Coordinate program planning, development, and reporting activities;
- Ensure Regional planning and accomplishments are complete, current, and consistent, and accurately reflected in WasteLAN by working with data sponsors and data owners;
- Provide liaison to HQ on SCAP process and program evaluation issues;
- Coordinate Regional evaluations by HQ; and
- Ensure that the quality of WasteLAN data is such that accomplishments and planning data can be accurately retrieved from the system.

EXHIBIT II.3
HQ/REGIONAL SCAP AND WASTE LAN RESPONSIBILITIES

| Regional Responsibilities | HQ Responsibilities |
|---|---|
| Planning and scheduling all actions from site assessment and PRP search through NPL deletion Keeping planning and accomplishment data in WasteLAN up to date, including updating site schedules established at the ESI/RI stage and cost estimates for remedial actions when better planning data become available Reporting accomplishments in WasteLAN as they occur Entering and maintaining quarterly planning, budget, and accomplishment reporting for non-site specific activities Preparing change requests Tracking and maintaining the enforcement extramural budget and the Federal facilities budget | Negotiating final GPRA targets/annual performance goals Entering the final budget into WasteLAN Determining the AOA based on planned activities in WasteLAN Entering and maintaining AOA data in WasteLAN Responding to Regional requests for changes in plans through the change requests process Utilizing WasteLAN to obtain, budget and other Superfund site information to respond to special requests for information and planning data Communicating with Regions and HQ offices regarding changes in budget, SCAP process, Superfund/Oil Program Implementation Manual, and other program guidance that will impact WasteLAN, and subsequently implementing these changes in WasteLAN |

The Budget Coordinator serves as the Regional lead for all Superfund program resource activities. The Budget Coordinator:

- Coordinates the planning, development and reporting of resources;
- Coordinates the planning and execution of Regional priorities;
- Communicates and implements national and Regional Superfund budget policies;

- Helps IMC to ensure Regional resources associated with accomplishments are complete, current, and consistent, and accurately reflected in WasteLAN; and
- Provides liason to HQ on program issues.

With the implementation of the the new WasteLAN, , two new roles, Data Sponsor and Data Owners, were identified for improving the quality of data stored in WasteLAN. Data Sponsors include the Senior Process Managers or program offices in HQ. Both HQ and the Regions are Data Owners. Following are the responsibilities assigned to each of these roles:

- ***Data sponsors***
 - Identify data needs;
 - Oversee the process of entering data into the system;
 - Use data for reporting purposes;
 - Conduct focus studies of the data entered;
 - Provide definitions for data elements;
 - Promote consistency across the Superfund program;
 - Initiate changes in WasteLAN as the program changes;
 - Provide guidance requiring submittal of these data; and
 - Support the development of requirements for electronic data submission.
- ***Data owners***
 - Enter and maintain data in WasteLAN; and
 - Assume responsibility for complete, current, consistent, and accurate data.

Program Evaluation

HQ and the Regions have different roles and responsibilities in Superfund program evaluation and management, as shown in Exhibit II.4.

EXHIBIT II.4
EVALUATION RESPONSIBILITIES

| Regional Responsibilities | HQ Responsibilities |
|---|--|
| <p>Meet semi-annual program targets and solve performance problems when they arise</p> <p>Provide quarterly accomplishment and planning data to HQ through WasteLAN</p> <p>Maintain WasteLAN data quality at high levels for Superfund program and project management</p> <p>Negotiate performance standards that provide individual accountability for targets</p> <p>Assess Federal agency needs identified during the FEDPLAN and OMB Circular A-11 processes</p> <p>Participate in the Regional reviews</p> | <p>Provide guidance to the Regions for the quarterly reporting, the mid-year assessment, the year-end assessment, and Regional reviews</p> <p>Implement and report on follow-up action items from the Superfund mid-year assessment and Regional reviews</p> <p>Review performance data reported by the Regions and assist Regions having difficulties in meeting targets</p> <p>Conduct Regional reviews</p> <p>Continually assess program performance and analyze timeliness and quality of work</p> <p>Recommend resource reallocation based on Regional needs and performance</p> <p>Assure that all staff are informed of results of performance reporting</p> <p>Compare Federal agency budget authorities, obligations, and outlays to monitor cleanup activities</p> |

The Superfund evaluation process provides managers with an opportunity to meet program objectives by:

- Examining program accomplishments;
- Analyzing and discussing issues that affect the successful operation of the Superfund program; and
- Initiating changes in program operations or reallocating/redirecting resources.

The strategy for assessing the performance of the Superfund program is comprised of the following:

- Establishing semi-annual and annual targets and planning measures;
- Quarterly reporting of response and enforcement/program accomplishments and planning measures based on WasteLAN data;
- Semi-annual reporting of response reporting and Federal facility accomplishments based on WasteLAN data;
- Quarterly evaluation of enforcement accomplishments against measures;
- Semi-annual performance evaluation; and
- Regional reviews.

This strategy enables management to recognize high performance, concentrate Superfund resources in those Regions

that demonstrate success, and provide training and technical assistance to those Regions that are experiencing difficulties.

In addition to the program management and assessment tools traditionally used by OSWER, Executive 12088, Federal Compliance and Pollution Control Standards, is applied to ensure that all necessary actions are taken for the prevention, control and abatement of environmental pollution associated with all facilities and activities under the control of every executive agency. The Executive Order requires the development of an annual plan, that provides for compliance with all applicable pollution control standards. The FEDPLAN is the tool that is used to identify, track and report on these environmental projects.

II.H PROCEDURES FOR ANNUAL TARGET SETTING

The process for developing GPRA targets/annual performance goals and measures for a FY begins with the strategic plan. Annual national performance goals are established to support the program's strategic plan and provide the basis for outyear budget requests. All regional targets/measures are established in August/September only after work planning sessions with OERR, OSRE, FFRRO, FFEO, and the Regions. In the Regions, a joint review of commitments should be undertaken by the program office and ORC. The dates for pulling WasteLAN data that will be used in developing the proposed Regional operating plan, generating the Regional workload and budget, and work planning can be found in the Manager's Schedule of Significant Events presented at the beginning of this Manual.

The Region's focus in work planning should be on its individual pipeline (i.e., more site assessments or more construction completion oriented), the overall goals and priorities of the program including GPRA objectives and subobjectives, and how it can achieve its portion of the national effort given proposed resources. HQ compares Regional plans with program goals and resource allocations. In addition, HQ reviews past Regional accomplishments, historical obligation trends, and planned durations/dollars to ensure that the Region is planning the appropriate amount of work given the dollars it is requesting. This provides HQ with a benchmark going into work planning on what the Region should be able to accomplish based on its unique pipeline status.

III WORK PLANNING

Regions are required to keep the planning and accomplishment data in WasteLAN current, complete, consistent, and accurate. Changes in planning information (schedules and funds) should be entered into WasteLAN within five days after the data owner [e.g., Remedial Project Manager (RPM)/On-Scene Coordinator (OSC)/Site Assessment Manager (SAM)] are aware of the need for the change.

Planning Process

Exhibit II.6 outlines the steps a Region must go through as part of its work planning responsibilities.

As a final check to ensure that planning data are current, complete, consistent, and accurate, Regions should routinely generate SCAP and Audit reports. At an absolute minimum, reports should be generated prior to HQ development of the proposed operating plan and in late June for internal review of the planning data in WasteLAN. These planning data should reflect any adjustments made to the annual plan.

As designated, HQ pulls SCAP reports from WasteLAN. The data in these reports serve as the basis for HQ/Regional work planning. HQ will perform all work planning sessions based on the information in WasteLAN on these pull dates.

WasteLAN data quality problems that affect the SCAP report update shall be resolved prior to the work planning meetings. These problems are to be resolved on a Region-specific basis through telephone calls between HQ and the IMC or program manager.

WasteLAN Reports for Planning/Target Setting

Exhibit II.6 presents the WasteLAN reports used by HQ and the Regions in the establishment of Regional targets/measures. Following is a description of these reports:

- The *Site Summary Report* (SCAP-02) is used by EPA to display enforcement sensitive WasteLAN data for NPL and non-NPL sites.
- The *SCAP Response Financial Report* (SCAP-04R), *Federal Facility Financial Summary* (SCAP-04F), and *Enforcement Financial Summary* (SCAP-04E) aggregate dollars by program area and provide both site-specific and non-site specific backup from WasteLAN. These reports should be used to compare the funding requests with the Regional budgets.
- The *OPA Measures Report* (SCAP-08) is used by EPA for tracking estimates and accomplishments for reporting progress made toward achieving program goals under the Oil Pollution Act (OPA).
- The *Site Assessment Report* (SCAP-13) is used by EPA for reporting estimates, plans, and accomplishments for SCAP measures. The information provided by this report is used in conjunction with the SCAP-14 and SCAP-18 reports to encompass the entire range of targets and measures.
- The *Superfund Accomplishments Report* (SCAP-14 and 14F) is used by EPA to track targeting, planning, and accomplishment actions in support of the response and Federal facility programs.
- The *GPRA Report* (SCAP-15) is used by EPA to track GPRA performance goals and measures.
- The *Response Budget Control Report* (SCAP-21) and *Financial Report for Enforcement* (SCAP-21E) are similar to the SCAP-04R and SCAP-04E. They are used by the Regions to track and balance their fiscal year budgets and by HQ to issue the quarterly Advice Of Allowance (AOA). The report calculates the difference between each Region's current planned budget and its negotiated budget for each line item category. The report also calculates the AOA against the amount of funds actually obligated (including open commitments).
- The *SOL Management Report* (ENFR-17) identifies planned and actual completion dates and obligations for response activities to assist in calculating the cost recovery Statute of Limitation (SOL).

EXHIBIT II.5
PROCEDURES FOR FY 99 TARGET SETTING

| Month | Regional Responsibilities | HQ Responsibilities |
|-------------------|--|---|
| March/April | | Distribute draft SPIM for review and comment |
| April/May | Consult with States and ORC on FY activities | Prepare program and enforcement Regional operating plan based on average Regional obligations/tasking in the current year, projections for the upcoming years, and considering prior year expenditures. Analyze Regional pipelines |
| May/June | Update site schedules and funding needs based on plan, Regional pipeline, and national goals and priorities | Issue Call Memorandum outlining work planning process and procedures for work planning sessions |
| July | Identify primary candidates for each target/measure activity by checking the target icon box on the Regional Planning screen. <ul style="list-style-type: none"> Primary projects have the greatest likelihood of meeting schedules and are used to determine SCAP commitments. Participate in HQ conference calls on analysis of Regional plan Enter proposed commitments for work planning. Primary candidate counts become the basis for commitments once target lockout is selected. These counts can be modified and non site specific target/measure activity counts can be added via the Regional Planning estimates/targets screen. | Review Regional plans in WasteLAN and pipeline workload and budget Review past Regional accomplishments and planned durations/dollars Review Regional requests for budget reserve Conduct Regional conference calls on the results of the analyses |
| August/September | Participate in work planning sessions to establish final targets/measures and budget. Update primary candidate designations and budget data as necessary based on results of work planning sessions. | Participate in work planning sessions to establish final targets/measures and budget Send targets/measures and Regional budgets to AAs for approval |
| September/October | Participate in one day national Division Director meeting to communicate commitments and allocation of Regional funds based on national GPRA commitments | Participate in one day national Division Director meeting to communicate commitments and allocation of Regional funds based on national GPRA commitments |
| November | Revise targets during open season based on appropriations | Revise Regional Enforcement operating plans |

EXHIBIT II.6
PLANNING/TARGET SETTING WASTE LAN REPORTS

| | |
|----------------------|------------------------------------|
| SCAP-2: | Site Summary Report |
| SCAP-4E: | Enforcement Financial Summary |
| SCAP-4F: | Federal Facility Financial Summary |
| SCAP-4R: | SCAP Response Financial Report |
| SCAP-08: | OPA Measures Report |
| SCAP-13: | Site Assessment Report |
| SCAP-14/14 F: | Superfund Accomplishments Report |
| SCAP-15: | GPRA Report |
| SCAP-21: | Response Budget Control Report |
| SCAP-21E: | Financial Report for Enforcement |
| ENFR-17: | SOL Management Report |

II.J REGIONAL ACCOMPLISHMENT REPORTING

Accomplishments data are entered into WasteLAN by the IMC, RPM, OSC, SAM, or other designated program staff (i.e., PRP-search, cost recovery). Data on accomplishments should be entered into WasteLAN within five working days of the action occurring. **Only accomplishments correctly reported in WasteLAN will be recognized by HQ.** If a Region feels that it has correctly recorded an accomplishment that is not showing in the Superfund Accomplishments Report (SCAP-14), the GPRA Report (SCAP-15), or Site Assessment Report (SCAP-13), please contact the appropriate HQ office.

Regions should perform data quality checks and make adjustments to WasteLAN if the data base does not reflect actual accomplishments. In any event, Regions need to be sure the information reflected in WasteLAN is up-to-date and accurate.

Preliminary end-of-year accomplishments will be pulled on the fifth working day of September; it is the starting point for preparing for the end-of-year assessment in November. Since many senior managers and Congress request final accomplishments immediately following the end of the year, CERCLIS accomplishment reports will be pulled on the fifth and the tenth working days of October and reported in late October to mid-November (see Manager's Schedule of Significant Events at the beginning of this Manual for specific dates). This allows the Regions ample opportunity to review end-of-year financial data, ensure that all accomplishments are accurately reflected in WasteLAN, and determine which commitments were not met.

WasteLAN Reports for Accomplishment Reporting

Exhibit II.7 presents the WasteLAN reports HQ uses to evaluate Regional accomplishments. All are used for reporting and crediting accomplishments for targets and measures. Following is a description of these reports:

- The *SCAP Response Financial Report* (SCAP-04R), *Federal Facility Financial Summary* (SCAP-04F), and *Enforcement Financial Summary* (SCAP-04E) aggregate dollars by program area and provide both site-specific and non-site specific backup from WasteLAN. These reports should be used to compare the funding requests contained in WasteLAN to the Regional budgets. Regions are prompted for "Primary" or "Alternate."
- The *Site Assessment Report* (SCAP-13) is used by EPA for reporting estimates, plans, and accomplishments for SCAP measures.
- The *Superfund Accomplishments Report* (SCAP-14 and 14F) is used by EPA to track targeting, planning, and accomplishment actions in support of the response and Federal facility programs.
- The *GPRA Report* (SCAP-15) is used by EPA to track GPRA performance measures.

- *Settlements Master Report* (ENFR-3) - This report lists all settlements to date. Data are divided by settlement category and summarized by FY, Region, and remedy.
- *Litigation Master Report* (ENFR-6) - This report lists all litigation cases to date. Data are divided by litigation type and summarized by FY and Region.
- *Administrative/Unilateral Orders Issued* (ENFR-25) - This report lists AOs and UAOs that have been issued.
- *Measures of Success Report* (ENFR-62) - This report is intended to allow Regions to report progress on newly developed measures of success relating to enforcement fairness and trust fund stewardship.
- *Environmental Indicators Report* (ENVI-01) - This report provides EPA Regional management with a tool to easily monitor environmental indicators (EI) data.

EXHIBIT II.7 PROGRAM EVALUATION WASTE LAN REPORTS

| | |
|---------------|---|
| SCAP-4E: | Enforcement Financial Summary |
| SCAP-4F: | Federal Facility Financial Summary |
| SCAP-4R: | SCAP Response Financial Report |
| SCAP-13 | Site Assessment Report |
| SCAP-14/14 F: | Superfund Accomplishments Report |
| SCAP-15: | GPRA Report |
| ENFR-3: | Settlements Master Report |
| ENFR-6: | Litigation Master Report |
| ENFR-25: | Administrative/Unilateral Orders Issued |
| ENFR-62: | Measures of Success |
| ENVI-01: | Environmental Indicators |

II.K HQ EVALUATION OF REGIONAL PERFORMANCE

Accomplishment data associated with targets/measures are pulled from Waste LAN at the close of business of the fifth working day of the quarter; **therefore, it is necessary that the Regions update their accomplishments data as accomplishments occur, but in no case later than quarterly prior to the fifth working day pull date.** HQ management tracks and bases its evaluation of Regional program performance on these data. The data are pulled on a selected number of key indicators of progress in the Superfund program (e.g., construction starts and completions, early action completions, site characterization starts, response settlements and referrals, RODs, and cost recovery activities). These numbers are the official numbers used in any reports of progress given to the Administrator, Deputy Administrator (DA), AAs, Congress, and the media. Detailed HQ management evaluation occurs at two points during the FY: after the second quarter (mid-year assessment) and after the fourth quarter (end-of-year assessment). (See Exhibit II.8.) In addition, HQ will be conducting Regional reviews in FY 99 and FY 00.

Mid-Year Assessment

The purpose of the mid-year assessment is to evaluate the utilization of Regional programmatic budgets. Specifically, the mid-year assessment will be used to:

- Provide both HQ and the Regions with an opportunity to assess performance;
- Provide data to HQ and the Regions to make decisions on distribution of remaining budget;
- Consider the impact of Regional program performance on the Superfund pipeline;

- Work with Regions experiencing difficulty in meeting their targets; and
- Identify trends in program performance and adjust program management strategies accordingly.

On the fifth working day of April, second quarter SCAP data are pulled from WasteLAN. Following the mid-year assessments, OERR, FFEO, FFRRO, OSRE, and OSPS Directors brief the AA SWER or AA OECA on the steps being taken to ensure the accomplishment of annual targets. To ensure that these actions are implemented, HQ will track follow-up items and reallocate resources. The results of the mid-year assessment can result in increases or decreases to third or fourth quarter AOA's based on Regional GPRA performance and obligation rates. The measure of a Region's ability to meet their targets will be considered in August/September when final FY commitments and Regional budgets, respectively, are established for the upcoming year.

End-of-Year Assessment

Before the end of the fourth quarter, there is a preliminary pull for end-of-year accomplishments (the first week of September). This pull is used to project end-of-year accomplishments. It is important to stress that this is only a projection and that the actual pulls, on the fifth and tenth working days of October, are likely to be somewhat different than the projected numbers. Since many Superfund managers and Congress request final accomplishments immediately, Regions should make every attempt to update WasteLAN at the earliest possible date and, in no event, any later than the fifth working day after the end of the FY.

EXHIBIT II.8 THE REGIONAL EVALUATION PROCESS

| 1st Quarter | 2nd Quarter Mid- Year Assessment | 3rd Quarter | 4th Quarter End-of-Year Assessment |
|---|--|--|--|
| <ul style="list-style-type: none"> * Pull WasteLAN Reports on GPRA/Program Accomplishments | <ul style="list-style-type: none"> * Pull WasteLAN Reports on GPRA/Program Accomplishments and Internal Measures * Perform Regional Mid-Year Reviews * Evaluate Program Status * Brief Senior Management | <ul style="list-style-type: none"> * Pull WasteLAN Reports on GPRA/Program Accomplishments * Report on Progress of Regions Having Difficulties Meeting Targets | <ul style="list-style-type: none"> * Pull WasteLAN Reports on GPRA/Program Accomplishments and Internal Measures * Develop Senior Management Reports Package * Evaluate Program Status * Evaluate Annual Performance and Produce National Progress Report * Provide Input into Next FY Work Planning * Brief Senior Management Process |

In November, HQ conducts the official end-of-year assessment. This assessment is an integrated analysis of program performance activities for the year. The purpose of the end-of-year assessment is to emphasize pipeline issues (e.g., slipped targets and their impact on commitments for the next year). *Missed targets may have resource implications for the next FY.* The end-of-year review also notes progress toward implementing strategies identified in the mid-year assessment, and identifies Regions that might require additional HQ assistance as the new FY begins.

HQ considers the end-of-year assessment in developing the final GPRA targets/annual performance goals. In this way, the results of the end-of-year assessment have a double impact.

Regional Reviews

Before the beginning of the FY, the program offices and Regions identify key program areas and issues in the strategic plans or individual program management guidance. Those issues that HQ program managers believe to be important to the general success of the program's mission are selected for discussion during the Regional reviews.

Management Reporting

The following sections provide a brief description of the reports available to support Superfund program management.

Superfund Management Reports

The implementation of an integrated WasteLAN data base and the improvement of WasteLAN data quality led to the development of a series of senior management reports. These management tools are designed to supplement conventional quarterly accomplishment reporting by providing a more comprehensive examination of program activity. The format and content of the reports package has evolved over time to address a variety of project needs, providing EPA senior managers with summary graphic reports and backup site detail information.

The FY 99 packages provide graphical representations of the status of targets and accomplishments, as well as analytic summaries of key aspects of the program including: status and duration of events; trend analysis of PRP involvement; cost recovery candidates; base closure joint indicators of progress; and the current status of negotiations, settlements, and litigation.

The reports, produced semi-annually, illustrate the progress being made by the Agency in both the movement of projects through the Superfund pipeline and in the trend toward increased involvement by PRPs. The semi-annual packages produced by OERR are divided into three distinct sections:

- *Report I: SCAP Estimates and Accomplishments* - This section graphically displays specific program targets and accomplishments by Region, the percent of annual targets achieved in the major response and enforcement program areas, and annual target and accomplishment totals by activity for each Region.
- *Report II: Trends Analysis* - These graphs present the duration analyses of pipeline events, including RI/FS, RD, and RA durations, durations from proposed to final listing, and proposed listing to first RI/FS start, first RD start, and first RA start, for both fund and enforcement. Users can request that the duration reports be run for a given FY or Region.
- *Report III: Superfund Historical Performance* - These reports provide graphical presentations of progress made at NPL and non-NPL sites. Various information, including site, enforcement, budget, and project data, are used to present an overall picture of the Superfund program activities.

Additional management reports produced by OSRE include:

- *SOL Management Report (ENFR-17)* - This report lists all planned and actual completion dates for removals, site assessments, and remedial activities by FY quarter. Planned and actual obligations for each activity are linked with cost recovery actions.
- *Negotiation Master Report (ENFR-59)* - This report lists all negotiations to-date. Data are divided by negotiation category and summarized by FY, Region, milestones, completed negotiations, and ongoing negotiations.

Additional management reports produced by FFRRO include:

- *BRAC Pipeline Report (BRAC-01)* - This report lists the pipeline actions within the current FY for any BRAC site.
- *Environmental Baseline Study (EBS) Report (BRAC-02)* - This report lists all EBS sites with starts or completions within the FY.
- *Finding of Suitability of Transfer/Lease (BRAC-03)* - This report lists all sites for which a finding of suitability for transfer/lease is concurred within the current FY.

Annual Reporting Requirements

Commencing March 31, 2000, and each year thereafter, the Agency is required to submit to the President and Congress a GPRA program performance report that summarizes the program performance for the previous fiscal year. Specifically, each report will (a) review the success of achieving the program's objectives and subobjectives during the fiscal year, (b) evaluate the annual performance plan for the current fiscal year relative to the performance achieved toward the performance objectives and subobjectives in the fiscal year covered by the report, (c) explain and describe where a performance objective/subobjective has not been met, why it was not met, and those plans and schedules for achieving it.

In addition, the Chief Financial Officer's (CFO) Act of 1990 requires all agencies with a trust fund program to submit, in addition to an annual financial statement, a report on program performance measures. Agencies have been directed to establish long-term goals and develop measures that are understandable to the general public. HQ relies heavily on accomplishment and reporting data in WasteLAN to develop and report on these measures. The FY 99 measures are presented in Exhibit II.9.

EXHIBIT II.9

CFO PERFORMANCE MEASURES

- Number of sites on the NPL where the first cleanup investigation has started compared to the total number of sites on the NPL
- Number of non-NPL sites with hazardous releases where EPA has begun a cleanup action
- Number of sites on the NPL where a decision has been made about how to proceed with the cleanup of at least a significant portion of the site compared to the total number of sites on the NPL
- Number of sites on the NPL where remedial action has been completed for at least a significant portion of the site compared to the total number of sites on the NPL
- Number of sites on the NPL where cleanup construction is completed compared to the total number of sites on the NPL
- Number of enforcement actions taken at NPL sites to have potentially responsible parties (PRPs) conduct or participate in response activities compared to the total number of sites on the NPL, and the percentage and estimated value of PRP commitments for response activities at non-Federal facilities sites on the NPL
- The total value of cost recovery settlements and judicial actions achieved and past costs considered recoverable
- The amount of money EPA has collected from PRPs compared to the total amount achieved in cost recovery settlements and judicial actions
- The estimated amount of money PRPs have committed legally to site cleanup compared to the total amount of funds obligated by the Superfund enforcement program
- The number of *de minimis* settlements, potential value of these settlements, and the estimated number of settlers

NOTE: It is anticipated that separate reporting of CFO Performance Measures will occur in FY 98, but will probably be merged with GPRA in FY 99.

II.L TARGET AND DEFINITION CHANGE REQUESTS

After targets have been finalized and funding levels developed, the SCAP process provides the flexibility to modify plans during the year. Modifications to planned GPRA targets/annual performance goals are termed change requests. ***Regional requests for changes to targets established in the annual plan must be forwarded in writing from the Regional Division Director to HQ OERR, OECA, FFRRO, or OSPS, Office Directors, as applicable, when the Region is unable to make a site substitution for a target.***

Any exceptions to the accomplishment definitions contained in the Appendices to this Manual are considered target definition changes. Regions also should note that changes made in WasteLAN to site schedules and other planning data will not automatically result in changes to targets.

Target changes that modify the Region's AOA require a financial change request. In these situations, the financial change request becomes the target change request. Chapter III outlines the change request procedures.

Although Regions have the flexibility to alter plans, they are still accountable for meeting the targets established at the beginning of the FY. Changes to commitments should not be made simply because targets will not be met. Regions should discuss with HQ during the mid-year reviews any issues that may affect the meeting of negotiated annual targets.

In some cases, however, changes to targets may be necessary and may be revised under the following conditions:

- Major, unforeseen contingencies arise that alter established priorities (i.e., Congressional action, natural disasters);
- Major contingencies arise to alter established Regional commitments (i.e., State legislative action);

- Measure or definition in system is creating an unanticipated negative impact;
- Major shifts in project approach ; or
- Need to address newly identified site which represents a significant human health or ecological risk.

OERR, OECA, FFRRO, and OSPS require that all target and definition changes be submitted to HQ no later than July, prior to the distribution of the fourth quarter AOA. Optimally, such requests should be submitted during discussions with HQ during mid-year reviews..

Regions should not initiate any obligations against change requests until the HQ Office of the Comptroller (OC) and the Director of the appropriate office approve the revised AOA in IFMS. The site back-up in WasteLAN should be revised by the Region if the change is approved.

Maintaining the Planning Estimates/Targets

Regions are responsible for initiating the work planning process and for entering the preliminary and final targets into WasteLAN. Prior to workload planning sessions with HQ, Regions can use the Regional Planning screen to identify which sites meet the planning logic as potential accomplishments for the upcoming FY. From this universe of sites (shown in red as Planning Data on the Regional Planning screen), Regions can identify primary candidate site— those that sites that are most likely to be accomplished. After identifying primary candidates (shown in blue on the Regional Planning screen), the Regions can then use the target lockout feature found on the Regional Planning screen to copy the primary candidate number to the Planning Estimates/Targets screen. This number is used as a starting point in identifying the Region's planning estimates/targets during workload planning sessions. After workload planning sessions are completed, Regions use the Planning Estimates/Targets screen to make any necessary changes. Once changes have been made and final targets/planning estimates are reviewed by HQ, the Regions will be "locked out" from making any changes to these numbers. This final number is shown in red on the Accomplishments Tracking screen as the Planning Estimates/Target number. During the FY if changes have been made to the number of target commitments approved, HQ will "unlock" the target numbers allowing the Region to make the approved change(s), and then "relock" the screens.

In general, HQ does not require site-specific targeting. The two exceptions are Cost Recovery actions at sites with upcoming Statute of Limitations (SOLs) so that they will be addressed prior to the expiration of the SOL, and *de minimis* settlements. Changes to sites identified as targets for these measures require HQ approval.

II.M SPECIAL REPORTING TOPICS

Brownfields

The Brownfields Pilot Program is funded using Superfund money under EPA's CERCLA investigatory and removal authorities. These properties are generally not traditional Superfund sites as they are not highly contaminated and present lesser health risks. The Brownfields Pilot Program is intended to provide EPA, States, local governments, and Federally recognized Indian Tribes with useful information and new strategies for promoting a unified approach to environmental assessment, cleanup, and redevelopment. As such, this program leads to the cleanup of hazardous waste sites, but not in the traditional context. Therefore, a traditional approach such as the current SCAP process cannot capture the true benefits of the program. To do this, EPA has signed a cooperative agreement with the Institute for Responsible Management (IRM) to work with the pilots and track their progress. This progress tracking of the Brownfields program will not be done via the WasteLAN database as all other Superfund progress is reported. IRM will have the responsibility for reviewing the goals and objectives, measures of success, and progress of each pilot, and develop a pilot-specific matrix that will track the progress at each pilot. Through this effort, EPA is capturing the progress at the Brownfields pilots and fulfilling the spirit of GPRA.

Reinventing Site Assessment

As the nature of site assessments change, new reporting and accountability challenges to accurately portray the extent of State, Federal, and local government site assessment activities need to be addressed. Traditional CERCLA reported site assessments, including integrated assessments, should continue to have accomplishments entered into WasteLAN when they occur. As Regions provide States flexibility in Cooperative Agreement applications and work plans by expanding the definition of types of assessment activities to be performed, the States also need to provide accountability for the activities performed through quarterly or annual reporting of the number of sites assessed, types or nature of assessments performed, and assessment results. Management systems at the State and probably Federal level will be needed to provide the accountability necessary and, also, to identify program accomplishments.

Base Closure

EPA is providing resources to support the President's Fast Track Cleanup program. To facilitate EPA's justification of these resources, Regions are required to support several data points for closing bases. WasteLAN has been modified to include these items.

II.N GENERAL WORK PLANNING AND REPORTING REQUIREMENTS

The following section discusses some of general work planning and reporting requirements of the various Superfund offices.

Data Lockout on Historical Accomplishments

WasteLAN has a historical accomplishment lockout feature that logs and controls changes to Superfund data sensitive to Congressional inquiry. This feature uses Change Log Smart Screens and reports that list all changes that have been made to historical accomplishments data. A Regional Manager for Superfund shall approve either in writing, or using the management review function in WasteLAN, each data change made by a Region to locked historical data. Only Regional IMCs, or individuals designated by the IMC, shall have access/authority to change/add/delete their own Region's data via a WasteLAN Smart Screen once written approval has been received. All other regional personnel will be denied access to the change system. Written approval documents or records of approval via WasteLAN management review must be maintained by the IMC for the duration of the life cycle of the data changed (up to seven years).

Each Region will establish a policy or procedure to ensure that the appropriate people have knowledge of and approve of the change. All approval documents must bear a System Generated Reference Number or Document Number.

Data Validation and Verification

GPRA requires that an agency address its verification and validation procedures for performance data in the annual performance plan. WasteLAN data verification and validation procedures were incorporated as part of Superfund programs' submission to the EPA's annual performance plan.

A key component of WasteLAN verification/validation procedures in the Regional CERCLIS Data Entry Internal Control Plan. The internal controls for WasteLAN data were previously cited as a weakness by the Office of the Inspector General. In response to this weakness, the Regions developed and submitted control plans in 1994. The control plans include: (1) regional policies and procedures for entering data into WasteLAN; (2) a review process to ensure that all Superfund accomplishments are supported by source documentation; (3) delegation of authorities for approval of data input into WasteLAN; and (4) procedures to ensure that reported accomplishments meet accomplishment definitions. Also, Regions should document in their control plans the roles and responsibilities of key regional employees responsible for WasteLAN data (e.g., regional project manager, information management coordinator, supervisor, etc.), and the processes to assure that WasteLAN data is current, complete, consistent, and accurate.

With the implementation of the new WasteLAN and the increased emphasis on verifiable and validated data by GPRA, the program offices are requesting that the Regions review their current CERCLIS Data Entry Internal Control Plans and update their control plans according to the requirements listed above.

In addition, Regions are required to submit to their Regional Superfund Records Center the document that constitutes or justifies an accomplishment date (actual start or actual complete) recorded in WasteLAN. (Documentation requirements for these dates can be found in the Appendices to this Manual in the "Definition of Accomplishment" section of the applicable target or measure.) When submitting the documentation to its record center, the Region should provide the target/measure category and the WasteLAN Operable Unit (OU)/action name/sequence number. The Regional Records Center is to include this SCAP data with the document index data, and provide the document index number from its tracking system for entry into the WasteLAN comments field associated with the applicable accomplishment date.

Action Lead Codes

Action lead codes identify the entity performing the work at the site. Exhibit II-12 shows the valid project/action lead codes in CERCLIS/WasteLAN.

A lead code must be placed in WasteLAN for all Actions. Only the leads that are valid for the chosen Action can be entered. Leads are not required for SubActions. Regions have the ability to code the lead for project support activities (i.e., community relations, support agency assistance, etc.) based on Regional preference. All enforcement actions (i.e., orders, decrees, PRP searches, etc.) performed by EPA should have a lead of "FE" (Federal Enforcement). All enforcement actions conducted by the State should have a lead of "SE" (State Enforcement). CERCLIS/WasteLAN should not contain planned obligations for projects with "SR" or "SN" leads. No funds will be provided for activities with these leads.

The Agency acknowledges that States can and have assumed the lead role in reaching an agreement with the PRPs for response activities at NPL sites without negotiating a cooperative agreement or other formal agreement with EPA (SR-lead). However, the NCP has determined that in the absence of a formal agreement the State will not be officially recognized as the "lead agency" for the project and EPA will not concur on the remedy selected.

EXHIBIT II.10
ACTION LEAD CODES IN WASTELAN

| Lead | Definition |
|------|--|
| F | Fund-financed response actions performed by EPA (applies to response actions) |
| RP | PRP- financed response actions performed by the PRP under a Federal order/ CD (applies to response actions) |
| S | Fund- financed response actions performed by a State. Money provided through a Cooperative Agreement (CA) (applies to response actions) |
| PS | PRP-financed response actions performed by PRP under a State order/ CD with PRP oversight paid for or conducted by EPA through an EPA CA with the State, or, if oversight is not funded by EPA, a State Memorandum of Agreement (SMOA) or other formal document between EPA and the State exists which allows EPA review of PRP deliverables (applies to response actions) |
| SN | State-financed (no Fund dollars) response actions performed by the State (applies to response actions) |
| SR | PRP response under a State order/ CD and no EPA oversight support or money provided through a CA and no other formal agreement exists between EPA and the State (applies to response actions) |
| CG | Work performed by the Coast Guard - Limited to removals (applies to response actions) |
| MR | Work performed by PRP under a Federal CD with an agreement that the Fund will provide some reimbursement to the PRP preauthorization mixed work. (applies to response actions) |
| SE | Enforcement actions performed by a State. Money provided through a CA or, if not funded by EPA, a comparable enforcement document exists (applies to RODs and enforcement actions) |
| FE | Enforcement actions performed by EPA or work done by enforcement program at private or Federal Facilities sites (applies to RODs and enforcement actions). Historically (Pre-FY 89) applied to RI/FS and RD response actions. |
| EP | Response actions performed by EPA using in-house resources |
| FF | Response actions performed by the Federal Facility with oversight provided by EPA and/or the State at sites designated as Federal Facilities on the NPL (also applies to RODs at Federal Facilities) |
| TR | Indian Tribal Governments |
| CO | Community Organization (Only valid for Community Involvement Activities) |
| OH | Other |
| SD | State Deferral is a PRP- or State-financed response action at an NPL caliber or proposed NPL site overseen or conducted by the State pursuant to a deferral agreement with the Region. |

Lead Changes

A takeover or lead change occurs when the entity performing a response action changes after the action has started and credit has been given. Typically, this occurs when a settlement with the PRP had been reached after the action started. It may also occur when the Fund assumes an RP-lead project because of non-compliance with an Administrative Order (AO) or Consent Decree (CD).

In order to avoid delays resulting from PRPs assuming the lead during a discrete phase of the project (a takeover), a policy has been established that limits lead changes from EPA to PRPs in the middle of a phase of the Superfund process, except in situations where the change will not cause undue delays (OSWER Directive 9800.1-01, *Limiting Lead Transfers to Private Parties During Discrete Phases of the Remedial Process*, November 14, 1991). The policy applies to lead changes from EPA to PRPs only, not EPA takeovers of PRP work or lead changes involving States.

It is expected that much of the early site assessment activities will be Fund-lead. However, response lead changes (i.e., changeovers) can occur at any of the following points in the process:

- Prior to development of an EE/CA for a NTC removal action;
- Prior to the ESI/RI or RI/FS;
- Prior to the FS if the RI and FS are being done separately;
- After the ROD is signed and prior to beginning the RD or RA or early action (remedial authority); and
- Prior to RA contract solicitation, when funding the RA would have significant implications for the Fund and when no significant delays will occur.

When circumstances warrant passing the lead to PRPs during a phase of cleanup, steps should be taken to minimize potential causes of delay. For example, if PRPs assume the lead during the RI/FS, they should be given a limit of 60 days to enter into an Administrative Order on Consent (AOC) for performing the work.

If a PRP is allowed to take over a response action after dollars have been obligated, the Region should retain the funds needed for oversight of the entire PRP action and deobligate the rest. Funds that are deobligated may be replaced in the Region's AOA and used in accordance with the flexible funding priorities outlined in Chapter III. Deobligated RA or early action under remedial authority funds must be returned to HQ for funding of other priority RA or early actions (remedial authority) projects.

When dollars were originally obligated for Fund-financed actions and a takeover occurs, Regions will have to request a change in the account number through their Regional Financial Management Office (FMO). The Action code within the account number changes if the Agency is acting in an oversight role as opposed to performing the response action.

RP-lead projects that are deficient or where the PRPs are recalcitrant may be addressed by the response program. If the project requires substantial Fund involvement to correct, it should be coded as a takeover in CERCLIS/WasteLAN. If a takeover of an Action does occur, a new Action must be created in WasteLAN. A takeover does not create a new OU. The completion date of the original Action must be the same as the start date of the new Action. Takeover/Phased Indicators must be entered with both Actions. The "Original Action Takeover (TO)" indicator is used to flag the original Action which has the change in lead, whereas a "New Action resulting from Takeover (TN)" indicator is used to flag the new Action. Exhibit II-13 provides an example of the coding takeovers.

**EXHIBIT II.11
CODING OF TAKEOVERS**

| Event Takeover | | | | | | | |
|-----------------------|--------------------|-------------|-------------|---------------------|---------------------|-----------------------------------|---|
| OU | Action Name | Seq. | Lead | Actual Start | Actual Comp. | Takeover/ Phased Indicator | Comments |
| 01 | Combined RI/FS | 1 | F | 8/1/97 | 9/1/97 | TO | Fund-financed Action being taken over by PRPs |
| 01 | PRP RI/FS | 1 | RP | 9/1/97 | | TN | PRP Action initiated |

Action Qualifiers for Site Screening and Assessment Actions

Site screening and assessment decisions are made upon completion of each site assessment action. These decisions identify how the Region will proceed with site response and are recorded in WasteLAN as action qualifiers (Qualifiers). These decisions include:

- ***No Further Remedial Action Planned (NFRAP)***

No further Superfund remedial assessment work will be taken at a site with a NFRAP determination [Qualifier = (N) No Further Remedial Action Planned] unless new information warranting such action is presented to EPA.

NFRAP decisions should not be confused with WasteLAN archiving. NFRAP decisions are made from a site assessment perspective only; they simply denote that further Superfund assessment work is not required based on currently available information. In contrast, the archival of WasteLAN sites is made only when no further Superfund interest exists at a site. This means that sites are not archived if there are planned or ongoing removal or enforcement activities, or if other Superfund interest still exists, even if a NFRAP decision was made at them during site assessment activities.

- ***Further Evaluation***

Upon completion of each site assessment action, the Region may determine that additional, more complex evaluation activities are required to determine whether or not the site should be pursued for placement on the NPL. A decision to conduct further evaluations at a site is recorded differently in WasteLAN depending on what site assessment activity is being performed.

For PAs, SIs, and SIPs, further evaluation is denoted by either making a decision of higher priority [Qualifier = (H) High], or lower priority [Qualifier = (L) Low] for further evaluation.

For ESIs and ESI/RIs, further evaluation is denoted by the decision of lower priority for further evaluation or to recommend the site for HRS scoring [Qualifier = (G) Recommended for HRS Scoring].

Further evaluation activities upon completion of an HRS Package consist of HQ quality assurance and ultimately a decision on whether to propose the site to the NPL [Qualifier = (0) Site is being considered for proposal to the NPL].

- ***Perform an Early Action***

Upon completion of PAs, SIs, SIPs, ESIs or ESI/RIIs, the Region may determine that a time-critical or non-time critical (NTC) removal is necessary. The decision recorded for these actions are "Referred to Removal, Needs Further Remedial (Qualifier = F)" or "Referred to Removal, No Further Remedial (Qualifier = W)."

- ***Aggregate the Site into Another "Parent" NPL Site***

Upon completion of PAs, SIs, SIPs, ESIs, or ESI/RIIs, the Region may decide to collapse or combine a site into an existing "parent" NPL site. This would be done when contamination at a non-NPL site is being addressed by cleanup actions at an existing NPL site. This most frequently occurs at Federal facilities and sites with an area-wide groundwater contamination problem resulting from multiple sources. The decision to aggregate a site into an existing NPL site requires the following information in CERCLIS/WasteLAN:

- Upon completion of the site assessment activity that led to the decision to aggregate the site, the Region should enter a qualifier of Site Being Addressed as Part of an NPL Site (A);
- The EPA ID number of the parent site must be entered into the Parent Site ID field (Site Parent ID) for the site which has been aggregated; and
- The NPL Status for the site being aggregated must be changed to 'Site is part of NPL Site'.

After a site is aggregated into the parent site, no further work should be recorded at the aggregate site. Instead, any further response work performed at the aggregated site should be recorded under the existing parent NPL site, possibly as a separate operable unit.

- ***Defer the Site to RCRA (Subtitle C) or the NRC***

Upon completion of PAs, SIs, ESIs, or SIPs at non-Federal facilities, the Region may determine that the site is excluded from Superfund consideration under policy, regulatory, or legislative restrictions and defer it to either the RCRA program or to the NRC. [Qualifier = (D) Deferred to RCRA (Subtitle C) or NRC].

- ***Site is being Remediated via a State or Tribal Program***

After completion of the SI, SIP, ESI or preparation of an HRS package, the Region may find that the site is being addressed by a State or Tribal government and requires no further Federal Superfund involvement.

Record of Decision (ROD)

A ROD is prepared after completion of public comment period on the FS and proposed plan for an early action (remedial authority) or long-term action. . The ROD identifies the Agency's selected remedy.

ROD Changes

After a ROD is signed, new information may be generated that could affect the remedy selected. Three types of changes can occur:

- ***Non-Significant Changes*** - Non-significant changes fall within the normal scope of changes occurring during the Remedial Design (RD)/ RA or early action (remedial authority). These changes typically result from value engineering. This may cause minor changes in the type/cost of materials, equipment facilities, services, and supplies. When such changes do not significantly affect the scope, performance, or cost of the remedy, they are considered minor or non-significant.

Minor changes should be documented in the post-ROD files. The documentation should not be a part of the Administrative Record (AR) for the ROD.

- **Significant Changes to a Component of a Remedy** - Significant changes to a component of a remedy generally are incremental changes to the hazardous waste approach selected for the site (i.e., a change in timing, cost and implementation). These changes do not fundamentally alter the overall approach intended by a remedy. When significant changes are made to a component of a remedy, an Explanation of Significant Differences (ESD) should be prepared.

The ESD is made available to the public and placed in the AR. A formal public comment period, public meeting, and responsiveness summary are **not** required. While the ESD is being prepared and made available to the public, response activities should continue. An ESD is not a new ROD and should not be coded as such in WasteLAN. It should be entered as a SubAction to the ROD (Action Name = Record of Decision and SubAction Name = Explanation of Significant Dif). ESDs are being tracked as an internal reporting measure.

- **Fundamental Changes to the ROD** - When the hazardous waste management approach selected in the ROD is reconsidered, it is a fundamental change. For example, the innovative technology originally selected in the ROD did not perform satisfactorily during the pilot scale testing, and a decision is made to switch to another remedy. This would represent a fundamental change. If, as a result of PRP negotiations, the remedy in the ROD is changed from incineration to bioremediation, this also represents a fundamental change. When such fundamental changes or amendments are made to a remedy, the ROD process (revised proposed plan, public comment period, public meeting, responsiveness summary, and amended ROD) should be repeated. The amended ROD must be placed in the AR. A fundamental change to the ROD should be recorded as a ROD amendment SubAction in WasteLAN (Action Name = Record of Decision and SubAction Name = ROD Amendment). Regions must enter the actual completion date of the ROD Amendment along with the Alternative Name, Media Name, Media Type and Selected Response Actions. ROD Amendments are being tracked as an internal reporting measure.

RODs Requiring No Physical Construction

At some NPL sites, EPA may determine, through the Remedial Investigation/Feasibility Study (RI/FS) (or other means), that no physical construction is necessary to protect human health and the environment. Such determination may be documented in no action/no further action RODs including RODs that only require monitoring, and Limited Action RODs requiring monitored natural attenuation or institutional controls, only.

These ROD events should be coded into CERCLIS/WasteLAN as follows:

- Action Name = Record of Decision;
- Alternative Name
- Media Name
- Media Type (Air, Groundwater, Leachate, Liquid Waste, Other, Residuals, Sediment, Sludge, Soil, Solid Waste, Surface Waste); and
- Selected Response Actions
 - No Action RODs:
 - No Action
 - No Further Action
 - Monitoring
 - Limited Action RODs:
 - Natural Attenuation
 - Institutional Controls (Access Restriction, Access Restriction-Guards, Access Restriction-

Fencing, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls Not Otherwise Specified (N.O.S.), Land Use Restriction, Monitoring, Recreational Restriction, Revegetation, Swimming Restriction, and Water Supply Use Restriction)

Anomalies and Phased Projects

Anomalies are those projects that do not fit the normal definitions of pipeline actions. Anomalies can be those projects that 1) do not receive SCAP credit, but still need to be tracked, or 2) occur out of the ordinary pipeline progression.

An example of a SCAP anomaly occurs when different entities conduct FS work simultaneously that lead to a single ROD. Since it is inconsistent to give credit for more FS starts than completions (the Agency would have to explain why FS work is not leading to a ROD), only one FS can receive credit for a start and completion. These projects are coded under the same OU with multiple sequence numbers and those FSs that will not receive credit are given a Takeover/Phased Indicator of "Other Start and Completion Anomaly (OA)."

At the RD and RA stages, a project may be phased or time-sequenced to accelerate the cleanup effort. Phasing is complementary to OUs. Whereas OUs break large, complex projects into smaller, more manageable work elements, phasing is a method to accelerate the implementation of the OUs. Phasing manipulates the internal steps required to complete each OU, thereby optimizing the overall schedule; for example, a RA that requires site clearing prior to constructing an incinerator. The clearing would be one phase of the RA, while the construction of the incinerator would be a second phase.

Regions enter a separate RA for each phase. Phases of each response action are shown in CERCLIS/WasteLAN by the use of the Takeover/Phased Indicators of Phased Start (PS) and Phased Complete (PC) or Phased Start and Completion (PB) (See Exhibit II-14). Funding required for each of the phases is tracked against the phase. However, the duration of the project is calculated from the date the first phase started to the date the last phase is completed.

EXHIBIT II.12
REMEDIAL EVENTS, ANOMALIES, AND PROJECT PHASING

| OU | Action Name | Seq. | Lead | Plan Start | Plan Comp | Takeover/ Phased Indicator | Comment |
|----|-------------|------|------|------------|-----------|-------------------------------|-----------------------------------|
| 01 | PRP RI/FS | 1 | RP | 96/2 | 98/3 | | |
| 01 | PRP FS | 1 | RP | 97/3 | 98/3 | OA | No Credit for Start or Completion |
| 01 | PRP FS | 2 | RP | 97/3 | 98/3 | OA | No Credit for Start or Completion |
| 01 | R01 AN01 | 1 | FE | | 98/3 | | |
| 01 | RD1 | | RP | 99/1 | 00/2 | PC | PHASE I |
| 01 | RD2 | | RP | 99/2 | 00/3 | PS | PHASE II |
| 01 | RA1 | | RP | 00/3 | 01/1 | PC | PHASE I |
| 01 | RA2 | | RP | 00/3 | 04/1 | PS | PHASE II |

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Superfund/Oil Program Implementation Manual FY 99/00

Chapter III: Superfund Financial Management

**THIS CHAPTER IS BEING REVISED BY HQ
AND WILL BE DISTRIBUTED AT A LATER DATE**

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Program Implementation Procedures

July 1, 1998

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Superfund/Oil Program Implementation Manual FY 99/00

FY 99 Response Performance Measures

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FY 99 RESPONSE PERFORMANCE MEASURES

The following table represents the FY 99 Response Performance Measures. This table is only relevant for Appendix A: Site Assessment and Appendix B: Response Actions.

| REPORTS PERFORMANCE MEASURES | GPRA TARGET/ ANNUAL PERFORMANCE GOAL | OFFICE OF THE CHIEF FINANCIAL OFFICER | EPA SENIOR MANAGER | CONGRESSIONAL INQUIRIES GAO/IG OMB | RESOURCES WORKPLANNING |
|--|---|--|--------------------------|---|---------------------------|
| Sites Archived | IG | | ✓ | | ✓ |
| Pre-CERCLIS Screening Assessments | IG | | | | ✓ |
| Site Discovery | IG | | ✓ | | ✓ |
| Brownfields Assessment | IP | | | | |
| Preliminary Assessments (PA) at Non-Federal Facility Sites | G | | | | |
| Federal Facility Preliminary Assessments Review | IP | | | | |
| Site Inspections (SI) | IG | | | | ✓ |
| Site Inspection Prioritizations (SIPs) | G | | | | ✓ |
| Expanded Site Inspections (ESI) | G | | | | ✓ |
| Integrated Expanded Site Inspection/ Remedial Investigation (ESI/RI) | G | | | | |
| Hazard Ranking System Package (HRS) | G | | ✓ | | ✓ |
| Integrated Removal/Remedial Evaluation | G | | | | |
| Regional Decisions | IP | | ✓ | | |
| Engineering Evaluation/Cost Analysis (EE/CA) | IP | | | | |

G = GPRA Target/Annual Performance Goal
 IP = Internal Program Measure
 IG = Internal GPRA Measure

FY 99 RESPONSE PERFORMANCE MEASURES

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|--|---|--|--------------------------|---|---------------------------|
| Support Agency Assistance | IP | | | | ✓ |
| Technical Assistance | IP | | | | ✓ |
| Remedial Investigation (RI) Starts | IP | ✓ | ✓ | | ✓ |
| Feasibility Studies (FS) Starts | IP | | | | ✓ |
| Combined RI/FS Start | IP | | ✓ | | ✓ |
| Start of Public Comment Period (Proposed Plan to Public) | IP | | | | |
| RI/FS Duration | IG | | ✓ | ✓ | |
| Decision Document Signed | IP | ✓ | ✓ | ✓ | ✓ |
| ROD Amendments and Explanation of Significant Differences (ESDs) | IP | | ✓ | | ✓ |
| Treatability Studies | IP | | | | |
| Pre-Design Assistance | IP | | | | |
| Remedial Design (RD) Start | IP | | ✓ | ✓ | ✓ |
| RD Completion | IP | | ✓ | ✓ | ✓ |
| Remedial Action (RA) Start | G | | ✓ | ✓ | ✓ |
| RA Contract Award | IP | | ✓ | ✓ | ✓ |
| Start of Response Actions | G | | ✓ | | ✓ |

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 IP = Internal Program Measure
 IG = Internal GPRA Measure

FY 99 RESPONSE PERFORMANCE MEASURES

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| REPORTS PERFORMANCE MEASURES | GPRA TARGET/ ANNUAL PERFORMANCE GOAL | OFFICE OF THE CHIEF FINANCIAL OFFICER | EPA SENIOR MANAGER | CONGRESSIONAL INQUIRIES GAO/IG OMB | RESOURCES WORKPLANNING |
|---|---|--|--------------------------|---|---------------------------|
| Completion of a Response Action/Activity | IG | ✓ | ✓ | ✓ | ✓ |
| NPL Site Construction Completions Through Early Actions, Long-Term Actions, or RODs | G | ✓ | ✓ | | ✓ |
| Operational and Functional (O&F) | IP | | | | |
| Long Term Response Action (LTRA) | IP | | ✓ | | |
| NPL Site Completions | G | ✓ | ✓ | ✓ | |
| Operation and Maintenance (O&M) | IP | | ✓ | | ✓ |
| Five-Year Reviews | IP | | ✓ | ✓ | ✓ |
| Partial NPL Deletion | IP | | | | |
| Non-NPL Site Completion | IG | | | | |
| EI 1A Populations Protected | IG | | ✓ | ✓ | |
| EI 1B Progress Through Environmental Indicators (Achieving Permanent Cleanup Goals) | IG | | ✓ | ✓ | |
| EI 1C Technologies Used and Volumes Handled at NPL and Non-NPL Sites | IG | | ✓ | ✓ | |
| Community Involvement Plan | IP | | | | |
| Information Repository | IG | | | | |
| Public Meeting | IP | | | | |

G = GPRA Target/Annual Performance Goal
 IP = Internal Program Measure
 IG = Internal GPRA Measure

FY 99 RESPONSE PERFORMANCE MEASURES

The following table represents the FY 99 Response Performance Measures. This table is only relevant for Appendix A: Site Assessment and Appendix B: Response Actions.

| REPORTS PERFORMANCE MEASURES | GPRA TARGET/ ANNUAL PERFORMANCE GOAL | OFFICE OF THE CHIEF FINANCIAL OFFICER | EPA SENIOR MANAGER | CONGRESSIONAL INQUIRIES GAO/IG OMB | RESOURCES WORKPLANNING |
|---|---|--|--------------------------|---|---------------------------|
| Community Advisory Groups | IG | | | | |
| Technical Assistance Grants (TAGs) | IG | | | | ✓ |
| Technical Outreach Services for Communities (TOSC) | IP | | | | |
| The number of Fund-lead remedies selected by states or tribes per year | IG | | | | |
| The number of NPL sites at which the states or tribes are the lead for an operable unit per year | IG | | | | |
| The number of agreements negotiated with states and tribes (Superfund Partnership Agreements, Superfund included in a (cross program) Performance Partnership Agreements, Voluntary Cleanup Agreements) | IG | | | | |
| Dollars provided to States and Tribes through cooperative agreements (cumulative and per year) | IG | | | | |
| Duration from discovery to removal start | IG | | | | |

G = GPRA Target/Annual Performance Goal
 IP = Internal Program Measure
 IG = Internal GPRA Measure

FY 99 RESPONSE PERFORMANCE MEASURES

The following table represents the FY 99 Response Performance Measures. This table is only relevant for Appendix A: Site Assessment and Appendix B: Response Actions.

| REPORTS PERFORMANCE MEASURES | GPRA TARGET/ ANNUAL PERFORMANCE GOAL | OFFICE OF THE CHIEF FINANCIAL OFFICER | EPA SENIOR MANAGER | CONGRESSIONAL INQUIRIES GAO/IG OMB | RESOURCES WORKPLANNING |
|--|---|--|-----------------------------------|---|-----------------------------------|
| Duration of completed NPL and non-NPL removal actions for Fund-lead sites | IG | | | | |
| Duration from NPL listing of first Record of Decision (ROD) | IG | | | | |
| Duration of completed Fund-lead remedial actions | IG | | | | |
| Duration from NPL final list to RI/FS start at federal facility sites | IG | | | | |
| Duration from ROD to RA start at federal facility sites | IG | | | | |
| Duration from ROD to Interagency Agreement execution at federal facility sites | IG | | | | |
| Duration of ROD to RD start for Fund | IG | | | | |
| Cost of completed NPL and non-NPL removal actions for Fund-lead sites | IG | | | | |
| Cost of completed Fund-lead remedial actions | IG | | | | |

G = GPRA Target/Annual Performance Goal
 IP = Internal Program Measure
 IG = Internal GPRA Measure

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Superfund/oil Program Implementation Manual FY 99/00

Appendix A: Site Screening and Assessment/Regional Decisions

July 1, 1998

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Appendix A

Site Screening and Assessment/Regional Decision Targets and Measures

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Appendix A
Site Screening and Assessment/Regional Decision
Targets and Measures

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APPENDIX A
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION
FY 99/00 TARGETS AND MEASURES

REINVENTING SITE ASSESSMENT

Historically, the site assessment process consisted of completing Preliminary Assessment (PA), Site Inspection (SI), and Hazard Ranking System (HRS) activities as needed, for the purpose of determining whether to place sites on the National Priorities List (NPL). EPA has been revisiting this process and purpose due to several developments including: 1) the need to encourage Brownfields redevelopment; 2) the unintended stigma associated with adding a site into WasteLAN; and 3) the increased expertise of States and Tribes in the Superfund program. EPA has been implementing various site assessment pilots to aid in developing a more efficient and effective Superfund site assessment program with the overall purpose of determining the most appropriate cleanup mechanism for sites [e.g., NPL, State Voluntary Cleanup Program (VCP), State or federally implemented Resource Conservation and Recovery Act (RCRA) programs, etc.]. Key goals of the pilots are to give States increased responsibility, encourage early/more efficient cleanups, reduce costs, and promote environmental recovery and economic revitalization. Regions should follow the traditional site assessment process for sites listed in WasteLAN unless sites are being addressed through approved pilots.

SITE ASSESSMENT BACKLOGS

A key function of HQ is to report national progress made in the site assessment program. Workload estimates are critical indicators of future program needs. HQ captures these workload estimates by identifying the number of sites at various stages in the site assessment pipeline. These stages are commonly referred to as "backlogs". For example, sites needing completion of a CERCLA preliminary assessment are collectively termed the "PA Backlog". Throughout this appendix, the derivation of backlogs used by HQ is provided for each action type; however, the NPL eligible backlog is made up of sites spanning several different action types. HQ derivation of the NPL eligible backlog consists of sites where:

- Site inspections or more comprehensive assessments (e.g., expanded site inspections) have been recorded in WasteLAN with actual completion dates; or
- A preliminary or final Hazard Ranking System (HRS) package generates a score equal to or greater than 28.5; or
- The last assessment completed at the site has a decision of Low (L), High (H), Recommended for HRS Scoring (G), Being considered for proposal to the NPL (O); or
- The site has not been proposed to the NPL; or
- The site is not captured in any other assessment backlog.

OVERVIEW OF FY 99/00 SITE SCREENING AND ASSESSMENT/REGIONAL DECISION TARGETS AND MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the progress each Region is making towards achieving the Government Performance and Results Act (GPRA) targets and annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, targets (GPRA targets/annual performance goals) and internal measures (GPRA and program measures) are defined as follows:

- **GPRA Targets/Annual Performance Goals** are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices. They are numerical goals that are established nationally prior to the start of the operating year; for example, 136 construction completions at Superfund National Priorities List (NPL) sites in FY 99.
- **Measures** are activities deemed essential to tracking overall program progress. There are two types of measures: GPRA measures and program measures. GPRA measures simply track the number of actions that occur throughout the year (accomplishments) and are used to evaluate program progress; for example, the number of agreements negotiated with States and Tribes. Program measures are used to project the number of actions that each Region expects to perform during the year using anticipated resources; for example, the number of sites where EPA settled based on ability-to-pay determinations.

The following pages contain, in pipeline order, the definitions of the FY 99/00 site screening and assessment/Brownfields targets and measures. Exhibit A.1 displays the full list of site screening and assessment and Brownfields activities defined in this Appendix. Exhibit A.2, at the end of this Appendix, identifies planning requirements for all site screening and assessment/Brownfields activities.

GPRA AND SITE ASSESSMENT

The current GPRA subobjective for site assessment is:

"By 2005, EPA and its partners will decide whether Federal Superfund cleanup is needed at 85 percent of waste sites entered into WasteLAN, using a decision-making process that assesses potential risk to human health and the environment, and which incorporates tribal cultural and subsistence value".

There is one aspect of Site Assessment included in the Agency's GPRA **key performance measure** relating to site assessment. This measure focuses on the percent of sites brought to the attention of the Superfund Program where final assessment decisions have been made. The formula to derive this key measure is:

$$\frac{\text{\# sites listed on the NPL} + \text{\# non-NPL sites with NFRAP/deferred/remediated decisions via State or Tribal program/aggregated decisions/referred to removal program}^1}{\text{Total sites currently or formerly listed in WasteLAN}}$$

The numerator in the above formula represents sites with final assessment decisions. Since sites may receive multiple assessment actions of the same type (e.g., as an initial preliminary assessment conducted in 1995, and a subsequent preliminary assessment conducted in 1997), final decisions focus on the last completed assessment action at a site (e.g., the 1997 preliminary assessment decision is used, not the 1995 decision).

The following **performance measures** will be used in addition to the key measure shown above to support more comprehensive reporting of site assessment accomplishments in a given year:

- The number of sites pre-screened for WasteLAN entry per year;
- The number of sites added to WasteLAN per year;
- The total number of sites archived as of end-of-year;
- The number of sites with assessment work still underway.

SUPERFUND DURATIONS

The Superfund program has tracked remedial pipeline durations for several years in the Superfund Senior Management Reports as part of Superfund progress evaluation. As program management emphasis shifts from administrative progress to more comprehensive measurement of program progress, OERR will track additional durations besides the remedial pipeline durations. These durations include: Engineering Evaluation/Cost Analysis (EE/CA) duration; Expanded Site Inspection/Remedial Investigation (ESI/RI) duration; removal duration; average duration between proposed listing to first removal or remedial action; and average duration from action memorandum to first removal completion. In FY 99/00, OERR will track the average action and site durations presented below. These durations are not SCAP measures; they are presented here for informational purposes only. HQ is responsible for calculating and publishing the durations in the Superfund Senior Management Reports; however, Regions are responsible for entering and maintaining accurate data from which durations can be derived.

The durations only cover non-Federal facility actions and are calculated based on actual dates. In addition, they do not include takeovers (within actions) or phased actions.

- Average Remedial Investigation/Feasibility Study (RI/FS) Duration
- Duration from Record of Decision (ROD) to Remedial Design (RD) Start
- Duration from ROD to Remedial Action (RA) Start

¹ NPL includes sites on the final NPL, sites deleted or withdrawn from final NPL, and final NPL sites deferred to other program authorities (i.e., RCRA). NFRAP includes non-NPL sites with "no further remedial action planned" decisions and sites removed from the proposed NPL with no further remedial action planned. Deferred includes non-NPL sites deferred to RCRA, Nuclear Regulatory Commission (NRC), State, or other Federal authorities for further action. Aggregated includes sites aggregated into existing NPL sites.

EXHIBIT A.1

SITE SCREENING AND ASSESSMENT/REGIONAL DECISION ACTIVITIES

| ACTIVITY | GPRA Target/Annual Performance Goal | MEASURE | |
|--|---|---------|---------|
| | | GPRA | PROGRAM |
| Brownfields Assessment | | | ✓ |
| Pre-CERCLIS Screening Assessment | | ✓ | |
| Site Discovery | | ✓ | |
| Sites Archived | | ✓ | |
| Preliminary Assessment (PA) Starts at Non-Federal Facility Sites | | | ✓ |
| Federal Facility PA Review Starts | | | ✓ |
| PA Completions at Non-Federal Facility Sites | | | ✓ |
| Federal Facility PA Review Completions | | | ✓ |
| Site Inspection (SI) Starts at Non-Federal Facility Sites | | | ✓ |
| SI Completions at Non-Federal Facility Sites | | | ✓ |
| Combined PA/SI Assessment Starts at Non-Federal Facilities | | | ✓ |
| Combined PA/SI Assessment Completions at Non-Federal Facilities | | | ✓ |
| Site Inspection Prioritization (SIP) Starts at Non-Federal Facility Sites | | | ✓ |
| SIP Completions at Non-Federal Facility Sites | | | ✓ |
| Expanded Site Inspection (ESI) Starts at Non-Federal Facility Sites | | | ✓ |
| ESI Completions at Non-Federal Facility Sites | | | ✓ |
| Federal Facility SI/ESI Review Starts | | | ✓ |
| Federal Facility SI/ESI Review Completions | | | ✓ |
| Integrated ESI/RI Starts at Non-Federal Facility Sites | | | ✓ |
| Integrated ESI/RI Completions at Non-Federal Facility Sites | | | ✓ |
| State Deferral of Non-Federal Facility Sites | | | ✓ |
| Hazard Ranking System (HRS) Package Starts (Non-Federal Facility and Federal Facility) | | | ✓ |
| HRS Package Completions (Non-Federal Facility and Federal Facility) | | | ✓ |
| Integrated Removal Assessment & PA Starts at Non-Federal Facility Sites | | | ✓ |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT A.1 (CONT'D)
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION ACTIVITIES

| ACTIVITY | GPRA Target/Annual Performance Goal | MEASURE | |
|---|---|---------|---------|
| | | GPRA | PROGRAM |
| Integrated Removal Assessment & PA Completions at Non-Federal Facility Sites | | | ✓ |
| Integrated Removal Assessment & SI Starts at Non-Federal Facility Sites | | | ✓ |
| Integrated Removal Assessment & SI Completions at Non-Federal Facility Sites | | | ✓ |
| Integrated Removal Assessment & Combined PA/SI Starts at Non-Federal Facility Sites | | | ✓ |
| Integrated Removal Assessment & Combined PA/SI Completions at Non-Fed Sites | | | ✓ |
| NPL Listing | ✓ | | |
| Regional Decisions | | | ✓ |
| Support Agency Assistance | | | ✓ |
| Technical Assistance | | | ✓ |
| <i>Percentage of Sites With Final Assessment Decisions [this is calculated by the No. Of Sites with Final Assessment Decisions (which includes No. Sites Proposed to or on Final NPL, No. Non-NPL Sites with NFRAP Decisions, No. Non-NPL Sites with Deferred Decisions, and No. Non-NPL Sites with Aggregated Decisions) divided by Total Sites (CERCLIS & Archive)]</i> | ✓ | | |
| <i>No. Sites with Assessment Work Still Underway</i> | | ✓ | |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.
Italic text indicates that these activities are GPRA targets or measures that are not specifically defined in the Appendices to the Manual. Data to support reporting of these goals are already included in existing definitions.

SITE SCREENING AND ASSESSMENT/REGIONAL DECISION DEFINITIONS BROWNFIELDS ASSESSMENT

Definition:

"A Brownfields Site Assessment is a site characterization activity used to address property transfer due diligence and encompasses one or more of the following phases or activities: (1) site background and historical investigation to identify past uses of the property to identify potential sources of contamination and waste generation activities (e.g., Preliminary Assessment or Phase I); (2) field investigation and sampling activities to identify contaminated areas (e.g., Site Investigation or Phase II); (3) study to identify possible remediation options incorporating information on future uses and redevelopment plans; and (4) development of cost estimates for remediation. The Brownfields Site Assessment is designed and implemented to meet applicable laws and regulations, including state cleanup standards." (Source: Quality Assurance for Brownfields Site Assessments Work Group, "Quality Assurance Requirements for Conducting Brownfields Site Assessments", DRAFT February, 1998.) Types of assessment activities captured under the "Brownfields Assessment" label include ASTM-based Phase I and Phase II activities or hybrid versions thereof.

Generally, a Phase I assessment involves collecting available information about a site to identify the presence or likely presence of an existing or past release of a hazardous substance into the ground (i.e., soil), groundwater, surface water, or air. A Phase I assessment determines whether there is evidence or an indication that hazardous substance, pollutants, or contaminants were ever handled or disposed at the site either currently or in the past. A Phase II assessment involves collecting and analyzing waste and environmental samples to determine the hazardous substances present at a site and whether they are being released into the environment. Both Phase I and Phase II assessments identify site conditions posing immediate health or environmental threats that require emergency response actions.

Definition of Accomplishment:

Brownfields assessments are complete when a determination is made whether hazardous substances are present at the site and whether they are being released into the environment. These determinations are documented by a notification in the site file describing the activities that were performed. Regions should enter the total number of Phase I and Phase II and other Brownfields assessments that have been performed through the Non-Site Incident (NSI) screens in Program Management.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

Brownfields Assessments are reported non-site specifically in WasteLAN. The Region should enter the total number of Brownfields Assessments (*Phase I, Phase II*, or other assessments) conducted each quarter. Brownfields Assessments is a program measure.

PRE-CERCLIS SCREENING ASSESSMENTS

Definition:

Pre-CERCLIS screening is the process of reviewing data on a potential site to determine whether it should be entered into WasteLAN for further evaluation. The process can be initiated through the use of several mechanisms, such as a phone call or referral by a State or other Federal agency.

Definition of Accomplishment:

The Region will maintain a record upon completion of a pre-CERCLIS screening action containing the decision on whether the site requires NPL assessment or removal activities under the Federal Superfund program. The date of this decision should be entered as the Site Discovery date **if** the site needs NPL assessment work or if the site needs both NPL assessment **and** removal work. The date of this decision should be entered as the Site Initiation date if only Superfund removal work is needed. If no Superfund removal or NPL assessment work is needed, the site discovery date and the

site initiation date do not need to be entered. *Information management aspects of recording pre-CERCLIS screening activities is still under development.* Currently, Regions should enter the total number of sites screened, including those which are put into WasteLAN and those which are not, through the NSI screens in Program Management.

If the decision is to add the site to WasteLAN, the Region should also add the Site Discovery action into WasteLAN (see below for definition).

Changes in Definition FY 98 - FY 99/00:

Change none.

Special Planning/Reporting Requirements:

Pre-CERCLIS Screening Assessments are reported non-site specifically in WasteLAN. The Region should enter the number of Pre-CERCLIS Screening Assessments performed each quarter. If the decision is made that the site requires NPL assessment and/or cleanup under CERCLA authority, it should be entered into WasteLAN with a Discovery action. The Region will maintain a record based on a pre-screening action. This is a GPRA measure.

SITE DISCOVERY

Definition:

Site discovery is the process by which a potential hazardous waste site is entered into WasteLAN for NPL assessment activities. All sites moving through the NPL assessment process must have a discovery action and actual completion date the site was discovered documented in WasteLAN. Entry of the site discovery date initiates the NPL assessment process and places the site on the Preliminary Assessment backlog.

Backlogs

Site discovery backlogs consist of those sites that have a pre-CERCLIS screening assessment (Action Name = Pre-CERCLIS Surveys) with an actual completion date; no pre-CERCLIS screening qualifier exists, and no other assessment or removal actions are recorded for the site.

Definition of Accomplishment:

Site discovery of non-Federal facilities is the date the Region completes the pre-CERCLIS screening activities, and documents the decision that the site warrants Superfund NPL assessment and/or cleanup attention. The site discovery date for Federal facilities is the date the site is formally added to the Federal Facilities Hazardous Waste Compliance Docket indicating Superfund involvement is required. The Site Name and Discovery Date must be entered into WasteLAN for both Federal and non-Federal sites.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

Actual start and planning dates are not required for site discovery. Multiple discovery actions are not allowed. Site discovery is a GPRA measure.

Note: A separate field has been added to WasteLAN to record site **initiation** dates for removal-only sites. Sites that are subject only to removal interest generally do not require a **discovery** date. An exception is where a large scale removal action has been completed and the Region seeks credit for a non-NPL site completion. Non-NPL site completions require site assessment review indicating the site has no further remedial actions planned. The discovery date for sites referred from removal to assessment should be the date the referral decision is made.

SITES ARCHIVED

Definition:

Archiving represents a site-wide decision or status indicating that no further interest exists at the site under the Federal Superfund program based on available information. It is a comprehensive decision in that archive status means that there are no further site assessment, remedial, removal, enforcement, cost recovery, or oversight activities being planned or conducted at the site.

Backlogs

The Archive site backlog consists of the potential archive candidate sites described above.

Definition of Accomplishment:

An archive decision is recorded in WasteLAN at the site level. To receive credit for an archive decision, the Archive Indicator (Archive IND) must be checked, and the "Archive Date" entered. A note must be prepared and placed in the site file explaining that no further Federal Superfund interest exists at the site based on available information. The date of the note is the Archive Date and automatically generates the Archive Indicator in WasteLAN. Although the underlying basis for archiving a site is whether or not Federal Superfund interest exists, several categories of sites are used to generate lists of potential archive candidate sites. Based on review of sites in these categories, Regions should update the "Archive IND" and "Archive Date" field as appropriate in a timely fashion. These categories are:

- Sites that have only completed the site assessment process and have either been given a No Further Remedial Action Planned (NFRAP) or Deferred decision at the conclusion of the last completed site assessment event, and no other Federal Superfund activity is anticipated;
- Sites that have completed both the removal and site assessment process, or have completed the removal process and require no site assessment work (removal-only sites), and which have completed all related oversight, cost recovery/other enforcement work, and have no further Federal Superfund activity anticipated;
- Sites removed from the proposed NPL or final NPL (e.g., as a result of a lawsuit) that have no further Federal Superfund activity anticipated;
- Sites deleted from the final NPL that have no further Federal Superfund activity anticipated; and
- Sites that have been entered into WasteLAN via entry of a site discovery and/or site initiation date which have not had any work started and, based on review, do not warrant any type of additional Superfund activity. An abbreviated preliminary assessment (PA) should be completed for these sites prior to designating archive status.

Note: NPL sites that have achieved construction completion should not be archived until a Notice of Deletion is published in the *Federal Register*, the Final Deletion from NPL action with an actual completion date is entered into WasteLAN, and the NPL Status is changed from an "Currently on the Final NPL" to a "Deleted from the Final NPL".

If site conditions change and/or new information becomes available on a site archived from WasteLAN, and the data indicate additional Superfund involvement is warranted, the site should be returned to WasteLAN. This is accomplished by deleting the date in the Archive Date field. The Archive Indicator will automatically be deleted. A note explaining why the site was returned to WasteLAN must be prepared and placed in the site file.

Changes in Definition FY 98 - FY 99/00:

Sites Archived is a GPRA measure. NPL sites that have achieved construction completion should not be archived until the Notice of Deletion is published in the *Federal Register*.

Special Planning/Reporting Requirements:

Planning dates for archiving sites are not available. It is important to note that an archive decision is not the same as no further remedial action planned (NFRAP) decision. [A NFRAP decision is recorded as an Action Qualifier, is made only at the conclusion of a site assessment action, and does not take into account any other Superfund programmatic activity that may be going on at a site such as removals or cost recovery.] Archived sites is a GPRA measure for both non-Federal and Federal facilities.

PRELIMINARY ASSESSMENTS (PA) AT NON-FEDERAL FACILITY SITES**Definition:**

A Preliminary Assessment (Action Name = Preliminary Assessment) is often the first phase of the NPL assessment process following site discovery. The PA is used to determine what steps, if any, need to occur next at the site. Federal, State, and local government files, geological and hydrological data, and data concerning site practices are reviewed to complete the PA report. An on- or off-site reconnaissance also may be conducted, although it is not required.

Regions may combine PA and SI activities where warranted by site conditions to reduce repetitive tasks and ultimately costs. The combining of PA and SI activities is known as a "Combined Assessment" and is discussed in a separate measure below. The decision to perform a "Combined Assessment" is made when site assessment activities are initiated.

With the implementation of Superfund Accelerated Cleanup Model (SACM), Regions also have been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This integrated removal/remedial evaluation, is further discussed in a separate measure, below.

Backlogs

The Preliminary Assessment backlog consists of sites with discovery completion dates and no other assessment completion dates recorded in WasteLAN.

Definition of Accomplishment:

PA Starts - A PA (Action Name = Preliminary Assessment) is started when the Region begins collecting data and performing other tasks related to development of the PA report; or when the Region signs a letter, form, or memo to the EPA contractor or State/Tribal government (where applicable), requesting performance of a PA at a specific site or group of sites; or when EPA receives written confirmation from a State/Tribal government that the State/Tribal government will conduct the PA; and WasteLAN contains the actual PA start date (Actual Start) and an action lead of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)". PA start dates are required and are used by HQ as an internal planning measure.

PA Completions - A Preliminary Assessment (Action Name = Preliminary Assessment) is completed when:

- A PA Report has been developed by EPA; or received by the Region from the Federal contractor or State/Tribal government; and the appropriate Regional official signs a letter, form, or memo approving the PA report.
- The PA actual completion date is the date the PA report is approved; and
- WasteLAN contains the actual PA completion date (Actual Complete), a valid lead (Lead), and a "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Valid decisions to be recorded in WasteLAN upon completion of the PA include:

(H) High - Higher priority for further assessment Note: The next stage of assessment would typically be an SI (Action Name = Site Inspection); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(D) - Deferred to RCRA (Subtitle C) or the NRC; or

(A) - Site is being addressed as part of a NPL site. A site having qualifier of "Aggregate" should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field ; or

(F) - Referred to the removal program with further remedial assessment needed; or

(W) - Referred to the removal program with *no* further remedial assessment needed.

There are instances when an abbreviated PA, as opposed to a full PA, is necessary. Sites in the WasteLAN inventory determined ineligible for Superfund response by Regional EPA site assessment personnel, and purported sites that are determined not to actually exist, do not undergo a complete PA. For such sites, the typical PA reporting requirements are abbreviated. The narrative report remains a requirement; however it may be limited to the Introduction Site Description, Operational History, and Waste Characteristics, and Summary and Conclusions sections. The narrative should present and fully support all of the information that led to EPA's decision to cease PA investigation at the site. As with a full PA report, factual statements within the **narrative must be documented, and appropriate references of excerpts must be attached.**

Only the first two pages of the PA data and site characteristics form are required for abbreviated PA sites. These pages provide necessary administrative information and general descriptive information about the site and associated wastes (if any). In addition, PA scoresheets or computerized PA-Score site scoring need not be completed for sites with abbreviated PAs. The scope of work for an abbreviated PA is still under development.

Changes in Definition FY 98 - FY 99/00:

Created separate measures for Combined PA/SIs and Integrated removal/remedial evaluations.

Special Planning/Reporting Requirements:

Regions should attempt to complete PAs at non-Federal Facility sites listed in WasteLAN within one year of the site discovery completion date.

For budget and resource allocations, separate projections must be made for EPA contractor, State, Tribal, and EPA in-house PA starts. PA starts and completions (Actual Start and Complete) are reported site-specifically in WasteLAN. Only the first PA start at a site will be given credit for SCAP funding purposes. Preliminary Assessment starts at non-Federal Facility sites is a program measure. Preliminary Assessment completions at non-Federal Facility sites is a program measure.

FEDERAL FACILITY PRELIMINARY ASSESSMENT REVIEWS

Definition:

A Federal Facility Preliminary Assessment Review is a quality assurance review of a PA report submitted by another Federal Agency. EPA's involvement in PAs at Federal facilities differs from that at non-Federal facilities. While EPA

conducts or funds development of PAs at non-Federal facilities, EPA's role at Federal facilities is limited to reviewing PA reports developed and submitted by the Federal agencies responsible for a given Federal facility. Upon reviewing the PA for completeness, and working with the other Federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to NPL listing.

Backlogs

The Federal Facility PA Review backlog consists of sites with discovery completion dates and no other assessment completion dates recorded in WasteLAN.

Definition of Accomplishment:

Federal Facility PA Review Starts - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is started when the EPA starts an in-house review of the Federal facility PA or sends a letter, form, or memo to the EPA contractor requesting review of the Federal facility PA report, and WasteLAN contains the actual PA start date (Actual Start) and an action lead of "Fund-financed (F)", or "EPA-In House (EP)".

Federal Facility PA Review Completions - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the PA report.
- The Federal Facility Preliminary Assessment Review actual completion date is the date the Federal facility PA report is approved.
- WasteLAN contains the actual Federal Facility Preliminary Assessment Review completion date (Actual Complete), a valid lead and a "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Valid decisions to be recorded in WasteLAN upon completion of a Federal facility PA Review include:

(H) High - Higher priority for further assessment Note: The next stage of assessment would typically be an SI (Action Name = Site Inspection); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(A) - Site is being addressed as part of an NPL site. A site having qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field; or

(D) - Deferred to RCRA (Subtitle C) or the NRC.

Changes in Definition FY 98 - FY 99/00:

Changed the qualifiers that are valid at the completion of a Federal facility PA review. Added language regarding a new subAction that will be added into WasteLAN.

Special Planning/Reporting Requirements:

Regions should attempt to complete PA reviews at Federal Facility sites listed in WasteLAN within 18 months of the site discovery completion date. Federal facility PA review starts and completions are reported site-specifically in WasteLAN. Federal Facility Preliminary Assessment Review starts and completions are program measures.

If the Federal facility PA report does not provide sufficient information to make a NPL decision, the report should be

referred back to the Federal facility. A new subAction will be added to WasteLAN to track site assessment reports referred back to the Federal facility. The actual completion date and qualifier for the Federal Facility Preliminary Assessment Review should not be entered until all the report deficiencies have been addressed.

SITE INSPECTIONS (SI) AT NON-FEDERAL FACILITY SITES

Definition:

The SI (Action Name = Site Inspection) involves the collection of field data from a suspected hazardous waste site to confirm or deny the presence of contamination and to further characterize contaminants, migration pathways, and background contaminant levels. The SI serves as a further screening activity to determine what steps, if any, need to occur next at the site. HQ recognizes Field Analytical Sampling (FAS) techniques are a cost and time effective alternative to the current Contract Laboratory Program (CLP) only process. Regions are encouraged to move implementation of FAS techniques from the pilot stage to standard operating procedures and employ these techniques wherever practical during conduct of SI activities.

Regions may combine PA and SI activities where warranted by a site conditions to reduce repetitive tasks and, ultimately costs. The combining of PA and SI activities is known as a "Combined Assessment" and is discussed in a separate measure. The decision to perform a "Combined Assessment" is made when site assessment activities are initiated.

Regions have also been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This "Integrated Removal/Remedial Evaluation" activity is discussed in a separate measure.

Backlogs

The Site Inspection backlog consists of sites with a PA completion date, a PA decision of High (H), Low (L), or Referred to Removal, with further remedial assessment needed (F), and the PA is the last completed site assessment action recorded in WasteLAN.

Definition of Accomplishment:

SI Starts - A SI (Action Name = Site Inspection) start date at a non-Federal facility site is defined as the date when EPA or the State/Tribal government signs a letter, memo or form approving the site-specific SI work plan, or a Technical Direction Document (TDD) is issued to the contractor at a site (refer to OSWER Publication #9345.1-03 FS for further guidance on defining SI starts) and WasteLAN contains the actual SI start date (Actual Start) and an action lead of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)". SI start dates are required.

SI Completions - A SI (Action Name = Site Inspection) is completed when:

- A SI Report has been generated by EPA; or received by the Region from the Federal contractor or State/Tribal government; and the appropriate Regional official signs a letter, form, or memo approving the SI report.
- The SI actual completion date is the date the PA report is approved; and
- WasteLAN contains the actual SI completion date (Actual Complete), a valid lead (Lead), and a "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

activities must be recorded with the SIP and not at the last SI as previously required. Site Inspection Prioritization starts at non-Federal facility sites is a program measure. Site Inspection Prioritization completions at non-Federal facility sites is a program measure.

EXPANDED SITE INSPECTIONS (ESI) AT NON-FEDERAL FACILITY SITES

Definition:

The ESI (Action Name = Expanded Site Inspection) collects additional data beyond that collected in the SI to evaluate the site for HRS scoring. ESIs are reserved for more complex sites that cannot be adequately characterized using standard SI methodologies. Installation of groundwater monitoring wells is typical of activities performed under the ESI.

Regions also have been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This is called an integrated removal/remedial evaluation (Action Name = Integrated Assessment). Please note that when ESIs are performed as part of an Integrated Assessment, information should be entered for both the Integrated Assessment and ESI actions.

HQ recognizes FAS techniques are a cost and time effective alternative to the current CLP only process. Regions are encouraged to move implementation of FAS techniques from the pilot stage to standard operating procedures and employ these techniques wherever practical during conduct of ESI activities.

Backlogs

The Expanded Site Inspection backlog consists of sites where the last site assessment activity recorded at a site is an ESI with an actual start date but no actual completion date.

Definition of Accomplishment:

ESI Starts - An ESI (Action Name = Expanded Site Inspection) start is defined as the date when EPA or State/Tribal government signs a letter, memo or form approving the site specific ESI work plan or a Technical Direction Document is issued to the contractor at a site and WasteLAN contains the actual ESI start date (Actual Start) and an action lead (Lead) of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)".

ESI Completions - An ESI (Action Name = Expanded Site Inspection) is complete when:

- An ESI Report has been developed by EPA; or received by the Region from the federal contractor; or the State/Tribal government; and the appropriate Regional official signs a letter, form, or memo approving the ESI report;
- The ESI actual completion date is the date the ESI report is approved; and
- WasteLAN contains the actual ESI completion date (Actual Complete), a valid lead (Lead), and a valid "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Valid decisions to be recorded upon completion of the ESI include:

- (G) - Recommended for HRS Scoring (i.e., development of HRS package, Action Name = Hazard Ranking System Score Determi); or
- (L) Low - Lower priority for further assessment; or
- (N) - No further *remedial* action planned; or

- (D) - Deferred to RCRA (Subtitle C) or the NRC; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field; or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed; or
- (Code Pending) - Site is being remediated via a State or Tribal program.

Changes in Definition FY 98 - FY 99/00:

Added new action qualifier values.

Special Planning/Reporting Requirements:

Planning dates are not required for ESIs. Actual start and completion dates are required for ESIs. ESI starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Only the first ESI start at a site will be given credit for SCAP funding purposes. ESI Starts is a program measure for non-Federal facilities. ESI Completions is a program measure.

FEDERAL FACILITY SI/ESI REVIEWS

Definition:

Federal facility SI/ESI Reviews (Action Names = Federal Facility SI Review and Federal Facility ESI Review) are an EPA quality assurance review of a SI and/or ESI report submitted by another Federal agency. EPA's involvement in SI and ESI activities at Federal facilities differs from that at non-Federal facilities. While EPA conducts or funds development of SIs and ESIs at non-Federal facilities, EPA's role at Federal facilities is limited to reviewing SI and ESI reports developed and submitted by the Federal agencies responsible for a given Federal facility. Upon reviewing the SI and/or ESI for completeness, and working with the other Federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to NPL listing.

Backlogs

The Federal Facility SI/ESI Review backlog is incorporated into the separate SI and ESI backlogs described above.

Definition of Accomplishment:

Federal Facility SI/ESI Review Starts - Federal facility SI/ESI review (Action Names = Federal Facility SI Review and Federal Facility ESI Review) are started when EPA starts in-house review of the Federal Facility SI or ESI report, or sends a letter, form, or memo to the EPA contractor requesting review of the Federal Facility SI or ESI report; and WasteLAN contains the actual Federal Facility SI/ESI Review start date (Actual Start) and an action lead (Lead) of "Fund-Financed (F)" or "EPA-In House (EP)".

Federal Facility SI/ESI Review Completions - A Federal Facility SI/ESI Review (Action Names = Federal Facility SI Review and Federal Facility ESI Review) are completed when:

- The appropriate Regional official signs a letter, form, or memo approving the Federal facility SI or ESI report.
- The date the Federal facility SI report or the Federal facility ESI report is approved is entered into WasteLAN as the actual completion date of the Federal Facility, SI or ESI report; and
- WasteLAN contains the actual completion date (Actual Complete) of the Federal Facility SI Review and/or Federal Facility ESI Review, a valid lead (Lead), and a valid "decision" on whether further activities are necessary in the Qualifier field; and

- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Valid decisions to be recorded upon completion of Federal facility SI/ESI reviews include:

- (H) High - Higher priority for further evaluation/HRS Scoring [applicable to Federal Facility SI reviews only]; or
- (G) - Recommended for HRS Scoring [applicable to Federal Facility ESI reviews only]; or
- (L) Low - Lower priority for further assessment; or
- (N) - No further *remedial* action planned; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field; or
- (D) - Deferred to RCRA or NRC.

Changes in Definition FY 98 - FY 99/00:

Federal Facility SI/ESI Reviews is a new measure for FY 99/00.

Special Planning/Reporting Requirements:

Planning dates are not required for Federal facility SI/ESI reviews. Actual start and completion dates are required for Federal facility SI/ESI reviews. Federal Facility SI Review starts (Actual Start) and completions (Actual Complete) and Federal Facility ESI Review starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Only the first Federal Facility SI or ESI Review start at a site will be given credit for funding purposes. Federal Facility SI/ESI Review Starts is a program measure for Federal facility sites. Federal Facility SI/ESI Review Completions is a program measure.

INTEGRATED EXPANDED SITE INSPECTION/REMEDIAL INVESTIGATION (ESI/RI) AT NON-FEDERAL FACILITY SITES

Definition:

The integrated ESI/RI (Action Name = ESI/RI) is a SACM-initiated integrated assessment consisting of an ESI and a RI. The ESI/RI is used to expedite remedial response by gathering site characterization data common to both ESI and RI activities in one step, thereby expediting the later collection of data when comprehensive RI activities are performed. The goal of ESI/RIs is to save time and costs characterizing sites when compared to the traditional, sequential ESI-NPL Listing-RI process. ESI/RIs facilitate but do not replace RIs, and are recommended at sites where conditions indicate that the HRS score will be above 28.5 and a remedial response will be needed. The RI portion of an ESI/RI is intended to be a site-wide activity. ESI/RIs actions should be entered into WasteLAN at operable unit '00'.

ESI/RIs may not always be feasible given known site conditions and activities completed to date. In some cases, it may be more prudent to conduct a separate ESI or RI. The definitions for RI/FS Completion and RI Completion (see definitions in Appendix B) are different from the definition for ESI/RI Completion. The definition of an ESI/RI Completion is the same as that of an ESI Completion. If an ESI/RI action is recorded in WasteLAN, a stand-alone ESI event (Action Name = Expanded Site Inspection) should not be recorded at that site.

With the implementation of SACM, Regions have also been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This is called an

integrated removal/remedial evaluation (Action Name = Integrated Assessment) and is further discussed in a separate section below. Please note that when ESI/RI are performed as part of an Integrated Assessment, information should be entered for both the Integrated Assessment and ESI/RI actions.

HQ recognizes FAS techniques are a cost and time effective alternative to the current CLP only process. Regions are encouraged to move implementation of FAS techniques from the pilot stage to standard operating procedures and employ these techniques wherever practical during conduct of ESI/RI activities.

Backlogs

The ESI/RI backlog consists of sites where the last site assessment activity recorded at a site is an ESI/RI with an actual start date but no actual completion date.

Definition of Accomplishment:

ESI/RI Starts - ESI/RI (Action Name = ESI/RI) start date is defined as the date when EPA approves the site-specific ESI/RI work plan and WasteLAN contains the actual ESI/RI start date (Actual Start) and an action lead of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)".

ESI/RI Completions - An ESI/RI (Action Name = ESI/RI) is complete when:

- An ESI/RI Report has been reviewed and accepted by the Region and the appropriate Regional official signs a letter, form, or memo approving the ESI/RI report.
- The ESI/RI actual completion date is the date the ESI/RI report is approved; and
- The following has been recorded in WasteLAN: the actual ESI/RI completion date (Actual Complete); a valid lead (Lead); and a "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Valid decisions to be recorded upon completion of the ESI/RI include:

(G) - Recommended for HRS Scoring (i.e., development of HRS package, Action Name = Hazard Ranking System Score Determini); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field; or

(F) - Referred to the removal program with further remedial assessment needed; or

(W) - Referred to the removal program with *no* further remedial assessment needed; or

(Code Pending) - Site is being remediated via a State or Tribal program.

Changes in Definition FY 98 - FY 99/00:

Added new action qualifier value.

Definition of Accomplishment:

SIP Starts - A SIP start is defined as the date the Region signs a letter, form, or memo requesting a SIP be performed at a specific site. The date should be entered into WasteLAN as the actual start date (Actual Start) of the SIP SubAction. SIP start dates are required, and are used by HQ as a program measure.

NOTE: Start dates cannot be entered into WasteLAN for SIPs. Changes are needed in WasteLAN before this date can be reported.

SIP Completions - A SIP (SubAction Name = Site Inspection Prioritization) is complete when:

- A SIP Report has been developed by EPA; or received by the Region from the Federal contractor or State/Tribal government; and the appropriate Regional official signs a letter, form, or memo approving the SIP report.
- The SIP actual completion date is the date the SIP report is approved; and
- WasteLAN contains the actual SIP completion date (Actual Complete), and a "decision" on whether further activities are necessary is recorded in the Qualifier field for the SubAction; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Valid decisions at the conclusion of a SIP include:

(H) High - Higher priority for further assessment Note: The next stage of assessment could be an expanded site inspection (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = Hazard Ranking System Score Determini); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(D) - Deferred to RCRA (Subtitle C) or the NRC; or

(A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field ; or

(F) - Referred to the removal program with further remedial assessment needed; or

(W) - Referred to the removal program with *no* further remedial assessment needed; or

(Code Pending) - Site is being remediated via a State or Tribal program.

SIPs are typically performed as stand-alone activities; that is, they are not integrated with removal evaluations .

Changes in Definition FY 98 - FY 99/00:

Added new action qualifier value.

Special Planning/Reporting Requirements:

Actual start and completion dates are required for SIPs. SIP starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Only the first SIP start at a site will be given credit for SCAP funding purposes. No funding is provided by HQ for SIPs at Federal facilities. Decisions reached at the conclusion of SIP

Changes in Definition FY 98 - FY 99/00:

Combined PA/SI Assessments starts is a program measure. Combined PA/SI Assessment completions is a program measure. Formerly, this activity was documented within the PA and SI measures. Added new action qualifier value.

Special Planning/Reporting Requirements:

For Combined PA/SI Assessments, the PA start and completion dates (Actual Start and Actual Complete) entered into WasteLAN must be the same as the SI start and completion dates (Actual Start and Actual Complete). Do not enter the PA completion date until there is a combined PA/SI report, even though a determination has already been made that an SI is needed. PAs performed as part of a Combined PA/SI Assessment should receive a qualifier of (H) High which represents a high priority for further assessment.

Combined PA/SI Assessment starts at non-Federal Facility sites is a program measure. Combined PA/SI Assessment completions at non-Federal Facility sites is a program measure.

SITE INSPECTION PRIORITIZATIONS (SIPS) AT NON-FEDERAL FACILITY SITES**Definition:**

SIPS (SubAction Name = Site Inspection Prioritization) require the gathering of additional information to update site inspections performed under the original Hazard Ranking System (HRS). SIPS are performed only at sites where the last SI was completed prior to August 1, 1992, and further evaluation is required to determine what steps, if any, need to occur next at the site. For most Regions, the original SIP backlogs have been completed although a few still remain. SIPs are currently recorded in WasteLAN as SubActions (SubAction Name = Site Inspection Prioritization) to the last completed site inspection event (Action Name = Site Inspection). A proposal has been made to change SIPs to an Action or allow a start date for the SIP subAction. Once a decision is made, WasteLAN will be revised accordingly.

In general, a finite number of sites were originally identified as needing SIPs and EPA has completed SIPS at nearly all of these sites. As a result, EPA expects few SIPs to be required in the current fiscal year since current PA and SI activities should be following the revised HRS methodology. Nonetheless, EPA anticipates a limited number of older sites addressed under the original HRS, which were not part of the original universe of sites needing SIPs, may now require SIPs based on new information received by EPA. This would apply to sites that were evaluated and assigned a NFRAP or Deferred decision under the original HRS prior to August 1, 1992, for which new information has been provided to EPA indicating further Superfund evaluation of the site is warranted.

HQ recognizes FAS techniques are a cost and time effective alternative to the current CLP only process. Regions are encouraged to move implementation of FAS techniques from the pilot stage to standard operating procedures and employ these techniques wherever practical during conduct of SIP activities.

Backlogs

The Site Inspection Prioritization backlog consists of sites where the last SI was completed prior to August 1, 1992, the SI decision is High (H) or Low (L), the SI was the last completed assessment action recorded in WasteLAN, and the Region has indicated a SIP is warranted. WasteLAN has been modified to clearly reflect which sites still need SIPS completed. This information is displayed on the Site Program Priorities screen in WasteLAN. On the Site Description/Operable Units screen, if "Site Inspection Prioritization Needed" is in the Special Initiative box, this indicates the site still needs a SIP completed. Regions are responsible for deleting "Site Inspection Prioritization Needed" value once a SIP is completed, or if a decision not to perform a SIP at the site is made. HQ will use this table to calculate the size of the remaining SIP backlog.

Valid decisions to be recorded upon completion of a SI include:

(H) High - Higher priority for further assessment Note: The next stage of assessment could be an ESI (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = Hazard Ranking System Score Determini); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(D) - Deferred to RCRA (Subtitle C) or NRC; or

(A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field ; or

(F) - Referred to the removal program with further remedial assessment needed; or

(W) - Referred to the removal program with *no* further remedial assessment needed; or

(Code Pending) - Site is being remediated via a State or Tribal program.

Changes in Definition FY 98 - FY 99/00:

Added new action qualifier value.

Special Planning/Reporting Requirements:

Planning dates are not required for SIs. Actual start and completion dates are required for SIs. For budget and resource allocations, separate projections must be made for EPA contractor, State, Tribal, and EPA in-house SI starts. SI starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Only the first SI start at a site will be given credit for SCAP funding purposes. Site Inspection starts at non-Federal Facility sites is a program measure. Site Inspection completions at non-Federal Facility sites is a program measure.

COMBINED PA/SI ASSESSMENTS AT NON-FEDERAL FACILITY SITES

Definition:

With the implementation of SACM, Regions are encouraged to combine PA and SI activities where warranted by site conditions to reduce repetitive tasks and, ultimately, costs. The combining of PA and SI activities is known as a "Combined PA/SI Assessment" (Action Name = Combined Assessment). A combined PA/SI assessment can be contained in one physical report, as long as the report contains all of the elements that would have been addressed under separate PA and SI reports. The report should state specifically that it covers both the PA and SI. The decision to conduct an SI as part of a combined assessment is made prior to initiation of the PA and is documented in the initial task assignment provided to the contractor, by correspondence between EPA and the State, or by a form or memo to the file. As is the case with its individual components, a combined PA/SI is performed to determine what steps, if any, need to occur next at a site.

HQ recognizes FAS techniques are a cost and time effective alternative to the current CLP only process. Regions are encouraged to move implementation of FAS techniques from the pilot stage to standard operating procedures and employ these techniques wherever practical during conduct of Combined PA/SI activities.

SACM also encourages Regions to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. Combined PA/SI assessments may also be applied in an integrated removal/remedial evaluation approach. Integrated Assessment and Combined PA/SI (Action Name = Integrated Assessment and Combined Assessment) activities are tracked as an internal planning measure. Please note

when Combined PA/SIs are performed as part of an integrated removal/remedial evaluation, information should be entered for the Removal Assessment, PA, and SI. Special reporting requirements also apply to PA actions when they are performed as part of a combined assessment, as noted below.

Backlogs

The Combined PA/SI Assessment backlog is incorporated into the PA backlog.

Definition of Accomplishment:

Combined PA/SI Starts - A Combined PA/SI starts when the Region begins collecting data and performing other tasks related to development of the combined PA/SI report; or when the Region signs a letter, form, or memo to the EPA contractor or State/Tribal government (where applicable), requesting performance of a combined PA/SI assessment at a specific site or group of sites; or when EPA receives written confirmation from State/Tribal government that the State/Tribal government will conduct the Combined PA/SI Assessment; and WasteLAN contains identical actual start dates (Actual Start) for both the PA and SI action, and identical leads for both PA and SI actions of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)". Start dates are required.

Combined PA/SI Completions - A Combined PA/SI Assessment is completed when:

- A Combined PA/SI Report has been developed by EPA; or received by the Region from the Federal contractor or State/Tribal government; and the appropriate Regional official signs a letter, form, or memo approving the Combined PA/SI report.
- The date the Combined PA/SI report is approved is entered into WasteLAN as the actual completion date of the PA and actual completion date of the SI; and
- WasteLAN contains identical actual PA and SI completion dates (Actual Complete), identical and valid PA and SI leads (Lead), a "High priority (H)" decision in the PA Action Qualifier field, and a "decision" on whether further activities are necessary in the SI Action Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Valid decisions to be recorded in WasteLAN with the SI action upon completion of the Combined Assessment include:

(H) High - Higher priority for further assessment Note: The next stage of assessment could be an ESI (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = Hazard Ranking System Score Determini); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(D) - Deferred to RCRA (Subtitle C) or the NRC; or

(A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site-NPL Status) of 'A' and a valid value in the Site Parent ID field; or

(F) - Referred to the removal program with further remedial assessment needed; or

(W) - Referred to the removal program with *no* further remedial assessment needed; or

(Code Pending) - Site is being remediated via a State or Tribal program.

Special Planning/Reporting Requirements:

Planned start and completion dates are not required for ESI/RIs. Actual start and completion dates are required for ESI/RIs. ESI events (Action Name = Expanded Site Inspection) should not be recorded separately in WasteLAN if they are conducted as part of an ESI/RI. ESI/RI starts at non-Federal Facility sites is a program measure. ESI/RI completions at non-Federal Facility sites is a program measure.

STATE DEFERRAL OF NON-FEDERAL FACILITY SITES**Definition:**

State Deferral (Action Name = State Deferral) is an administrative mechanism enabling States and Tribes, under their own laws, to respond at WasteLAN sites that EPA would otherwise not soon address. Under the State Deferral program, EPA anticipates that responses may be quick and efficient, yet still be protective of the environment and of communities' rights to participate in the decision-making process. Refer to the "Guidance on Deferral of NPL Listing Determinations While State Oversee Response Actions" (OSWER Directive 9375.6-11, May 1995) for additional information on this program.

Backlogs

The State Deferral backlog consists of sites where the last site assessment activity recorded at a site is a state deferral action with an actual start date but no actual completion date recorded in WasteLAN.

Definition of Accomplishment:

State Deferral Starts - The State Deferral (Action Name = State Deferral) process start is defined as the date when the Regional Superfund program director and the State program director sign a document deferring the site to the State under the terms established in the deferral guidance. A State Deferral action must be recorded in WasteLAN with an action lead (Lead) of "State Deferral (SD)". State deferrals are applicable only to non-Federal facility sites that are not on the NPL.

State Deferral Completions - The State Deferral (Action Name = State Deferral) completion date is defined as either: 1) the signature date of a formal Regional document confirming that the deferral has been completed successfully, or terminating the deferral agreement; or 2) 90 days after the date EPA receives State certification that the deferral has been completed. The outcome (Qualifier) of the State deferral must be entered with the completion date.

Valid outcomes (Qualifiers) to be recorded upon completion of the State Deferral include:

- (Code Pending) Region has formally confirmed successful completion of State deferral; or
- (Code Pending) Region has terminated the status of the deferral.

Changes in Definition FY 98 - FY 99/00:

This is a new measure in FY 99/00.

Special Planning/Reporting Requirements:

Planned start and completion dates are not required for State Deferral actions. Actual start and completion dates are required. Sites as which a deferral has been successfully completed are eligible for archiving (removal) from WasteLAN. State Deferral starts and completions is a program measure.

HAZARD RANKING SYSTEM PACKAGE (HRS)

Definition:

The HRS Package (Action Name = Hazard Ranking System Score Determini) documents a numeric score of the relative severity of a hazardous substance release or potential release based on: (1) the relative potential of substances to cause hazardous situations; (2) the likelihood and rate at which the substances may affect human and environmental receptors; and (3) the severity and magnitude of potential effects. The HRS Package also includes references and documentation in support of the score. The score is computed using the revised Hazard Ranking System (HRS). Regions are responsible for preparing HRS packages for both Federal and non-Federal facility sites. Regions submit a draft version of the HRS package to HQ for quality assurance review. Regions and HQ work together to address issues and agree on a final version of the HRS package. Based on results of the completed HRS package and other factors, Regions determine what the next steps, if any, are appropriate for a site (e.g., NPL listing, NFRAP, etc.)

Definition of Accomplishment:

HRS Package Starts - An HRS Package (Action Name = Hazard Ranking System Score Determini) start is defined as the date when EPA signs a memo, form, or letter requesting development of an HRS Package for a specific site and WasteLAN contains the actual HRS Package start date (Actual Start) and an action lead (Lead) of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)". HRS Package start dates are required for both Federal and non-Federal facility sites, and are used to identify the status of sites in the site assessment pipeline and to measure activity durations.

HRS Package Completions - An HRS Package (Action Name = Hazard Ranking System Score Determini) is complete when:

- An HRS Package has completed HQ quality assurance review and HQ and the Region agree to a final version; and
- The following has been recorded in WasteLAN: the approval date for the final version of the HRS Package date as the actual HRS Package completion date (Actual Complete); a valid lead (Lead); and a "decision" on whether further activities are necessary in the Qualifier field. Since HRS Packages are pre-decisional, entry of HRS Package completion dates in WasteLAN may be delayed until after the HRS Package is proposed to the NPL, if applicable; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

Note: Submission of HRS Packages to HQ for technical assistance does not represent an HRS Package completion.

Valid decisions to be recorded upon completion of the HRS Package include:

(O) - Site is being considered for proposal to the NPL; or

(N) - No further *remedial* action planned.

Changes in Definition FY 98 - FY 99/00:

Regions will be entering the HRS action qualifier into WasteLAN.

Special Planning/Reporting Requirements:

Planned start and completion dates are not required for HRS Packages. Actual start and completion dates are required for HRS Packages. HRS Package starts at both Federal and non-Federal Facilities is a program measure. HRS Package completions at both Federal and non-Federal Facilities is a program measure.

INTEGRATED REMOVAL/REMEDIAL EVALUATION

Definition:

Integrated Removal/Remedial Evaluations (Action Name = Integrated Assessment), are SACM-originated actions integrating both site assessment (e.g., Preliminary Assessment, Site Inspection) and removal assessment activities to reduce the overall time and money spent characterizing site conditions. The scope of the Integrated Removal/Remedial Evaluation will depend on which activities are being jointly conducted. Three specific types of Integrated Removal/Remedial Evaluations will be tracked:

- Integrated Removal Assessments and Preliminary Assessments (PA);
- Integrated Removal Assessments and Site Inspections (SI); and
- Integrated Removal Assessments and Combined PA/SI Assessments.

Regions are encouraged to make use of integrated assessment approaches wherever appropriate and can initiate ESI and ESI/RI activities. SPIM discussion is limited to three types of integrated assessments listed above for brevity purposes only. Requirements of a stand-alone PA, SI, and removal assessment must still be met, even though they are conducted in an integrated fashion. Refer to appropriate sections of the SPIM and Superfund assessment guidance documents for further requirements of stand-alone assessment activities. The definitions and special planning/reporting requirements for all three types of Integrated Removal/Remedial Evaluations listed above follow the same general concept. Generic definitions and requirements are provided below.

Although the Integrated Assessment action is intended to track integrated removal and site assessment actions, it should not take the place of coding individual site assessment and removal actions. In other words, if an Integrated Removal/Remedial Evaluation is conducted, it should be coded in WasteLAN along with the actions represented by that Integrated Removal/Remedial Evaluation, such as a Removal Assessment and a Site Inspection. The individual actions represented by Integrated Removal/Remedial Evaluation must still be recorded separately in WasteLAN.

HQ recognizes FAS techniques are a cost and time effective alternative to the current CLP only process. Regions are encouraged to move implementation of FAS techniques from the pilot stage to standard operating procedures and employ these techniques wherever practical during conduct of Integrated Removal/Remedial Evaluation activities.

Backlogs

Sites on an Integrated Removal/Remedial Evaluation backlog are incorporated into the PA and SI backlogs.

Definition of Accomplishment:

Starts - An Integrated Removal/Remedial Evaluation (Action Name = Integrated Assessment) start date is defined as the date when EPA approves the site-specific Integrated Removal/Remedial Evaluation work plan (e.g., Removal Assessment and SI work plan) and WasteLAN contains:

- The actual Integrated Assessment start date (Actual Start) and an action lead (Lead) of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)"; and
- The actual start date and lead for the related assessment actions (Preliminary Assessment, Site Inspection, Removal Assessment). The start date and lead for these actions and for the Integrated Assessment action must be the same.

Completions - An Integrated Removal/Remedial Evaluation (Action Name = Integrated Assessment) is complete when:

- The Integrated Removal/Remedial Evaluation report has been reviewed and accepted by the Region and an appropriate Regional official signs a letter, form, or memo approving the report. The report must contain all of the information required for the related site assessment and must document the completion of a Removal Assessment to determine whether a removal action is necessary. A note to the site file must also be prepared indicating that the Integrated Removal/Remedial Evaluation report meets all the requirements for the related assessment activities; and

- The Integrated Removal/Remedial Evaluation report approval date is entered into WasteLAN as the actual Integrated Assessment completion date (Actual Complete) with a valid lead (Lead); and
- An actual complete date and lead for the related assessment actions (Preliminary Assessment, Site Inspection, Removal Assessment) equal to that recorded for the Integrated Assessment action is entered into WasteLAN; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A "decision" on whether further activities are necessary is entered into WasteLAN in the Action Qualifier field for the related site assessment event (Preliminary Assessment, Site Inspection). Note that action qualifiers are allowed for Integrated Assessment actions but are not required. If entered, an Integrated Assessment action qualifier should be the same as that entered for the related site assessment action.

Valid Integrated Assessment action qualifiers include:

(H) High - Higher priority for further assessment. Note: The next stage of assessment could be an SI (Action Name = Site Inspection), expanded site inspection (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = Hazard Ranking System Score Determini); or

(L) Low - Lower priority for further assessment; or

(N) - No further *remedial* action planned; or

(D) - Deferred to RCRA (Subtitle C) or the NRC; or

(A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a valid value in the Site Parent ID field; or

(F) - Referred to the removal program with further remedial assessment needed; or

(W) - Referred to the removal program with *no* further remedial assessment needed; or

(G) - Recommended for HRS scoring. This qualifier should be used only when the site assessment portion of an Integrated Assessment consists of an ESI or ESI/RI; or

(Code Pending) - Site is being remediated via a State or Tribal program. NOTE: This qualifier is not valid for Integrated Removal and Preliminary Assessments.

Changes in Definition FY 98 - FY 99/00:

Added language on three different types of Integrated Removal/Remedial Evaluations. Added new action qualifier value.

Special Planning/Reporting Requirements:

Planning dates are not required for Integrated Assessments. Actual start and completion dates are required for Integrated Assessments. Integrated Assessment action qualifiers are allowed but are not required. If entered, an Integrated Assessment action qualifier should be the same as that entered for the related site assessment event. Integrated Removal Assessment and PA, Removal Assessment and SI, and Removal Assessment and Combined PA/SI starts at non-Federal facilities are program measures. Integrated Removal Assessment and PA, Removal Assessment and SI, and Removal Assessment and Combined PA/SI completions are program measures.

NPL LISTING

Definition:

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and trust territories. There are three mechanisms for placing sites on the NPL for possible remedial action:

- A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS). The HRS serves as a screening device to evaluate the relative threat that uncontrolled hazardous substances pose to human health or the environment. As a matter of Agency policy, those sites that score 28.50 or greater on the HRS are eligible for the NPL.
- Each State may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score.
- Certain sites may be listed regardless of their HRS score, if all of the following conditions are met:
 - The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release; and
 - EPA determines that the release poses a significant threat to public health; and
 - EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

Definition of Accomplishment:

Proposed NPL Listing - The process of proposing a site for placement on the NPL is complete (Actual Complete date) when a Proposed Rule proposing the site to the NPL [Action Name = Proposal to NPL] is published in the *Federal Register*.

Removal of Proposed NPL Listing - The process of removing a site from the list of proposed NPL sites starts (Actual Start date) when a proposal to remove the site is published in the *Federal Register* and is complete (Actual Complete date) when final notice of the removal is published in the *Federal Register* [Action Name = Removed from the Proposed NPL].

Final NPL Listing - The listing process for a site is complete (Actual Complete date) when a Final Rule adding the site to the NPL [Action Name = Final Listing on NPL] is published in the *Federal Register*.

Changes in Definition FY 98 - FY 99/00:

NPL Listing is a new measure for FY 99/00.

Special Planning/Reporting Requirements:

HQ staff are responsible for entering and/or updating, if applicable, the following data in WasteLAN:

- The NPL Status (P = Proposed for NPL; R = Removed from list of proposed NPL sites; F = Currently on the NPL; (Code Pending) Withdrawn from NPL);
- The NPL listing Actions (Proposal to NPL, Removed from Proposed NPL, and Final Listing on NPL) and their actual start and/or completion date(s);
- The *Federal Register* citations; and

- Site related information including:

- Site name
- EPA Site ID
- Street Address
- City
- County
- State
- Zip Code
- Region
- Congressional district
- Federal facility status
- Site setting
- Latitude and Longitude
- Site Characteristics
- HRS Score
- Chemical information

NOTE: Currently, WasteLAN does not support HQ entry of these data. Further information on Deletion and Partial Deletion from the NPL can be found in Appendix B of this Manual. NPL Listing is a GPRA Target/Performance Goal.

REGIONAL DECISIONS

Definition:

This measure will track decisions made by the Region [including the Regional Decision Team (RDT)] on whether to perform site assessment, enforcement, and early and long-term actions. The RDT is empowered by the Region to make those decisions that are delegated to its level. This body serves as a tool to ensure early and effective communication and should provide input for the traditional line decision-making authorities. Though the structure and responsibilities of the RDT vary from Region to Region, the RDT generally should provide policy and strategic direction to designated site managers.

Definition of Accomplishment:

The Regional decisions are reported in WasteLAN as a SubAction (SubAction Name = RDT Decision) to the point in the assessment or response pipeline where the decision was made (i.e., PA, SI, ESI, ESI/RI, or Integrated Assessment) to perform additional site assessment activities, early or long-term actions, or take enforcement action [e.g., Potentially Responsible Party (PRP) negotiations]. These decisions are documented in a letter, form, or memo to the file.

The dates of the Region's decisions (SubAction Name = RDT Decision) are entered as the actual SubAction completion dates (Actual Complete). Each decision must be documented in a memo to the file and reported separately. HQ will identify the activities the Region documented they would perform in the Regional decision based on the SubAction (SubAction Name = RDT Decision) completion date (Actual Complete) and the start dates (Actual Start) of subsequent actions.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

This is a program measure. This definition is for regional tracking purposes only.

SUPPORT AGENCY ASSISTANCE

Definition:

Support agency assistance are the activities performed by another entity in support of EPA. The support agency furnishes necessary data to EPA, reviews response data and documents, and provides other assistance to EPA.

EPA may provide States, political subdivisions, and Indian Tribes with funding to carry out a variety of management responsibilities via a support agency Cooperative Agreement to ensure the meaningful and substantial involvement in response activities. Unless otherwise specified in the Cooperative Agreement, all support agency costs, with the exception of RA support agency costs, may be planned under a single Superfund account number designated specifically for support agency activities. RA or support agency activities must be planned site- specifically and require cost share provisions.

Definition of Accomplishment:

The start of support agency assistance (Action Name = Management Assistance) is the signature of the Cooperative Agreement by the Regional Administrator or designee. The completion of support agency assistance is the completion of all remedial activities at the site.

Changes in Definition FY 98 - FY 99/00:

Deleted reference to early action (remedial authority).

Special Planning/Reporting Requirements:

Funds for support agency assistance are contained in the site characterization, enforcement or Federal facility AOA. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned or obligated site or non-site specifically; however, they must be outlayed site-specifically. This is a program measure.

TECHNICAL ASSISTANCE

Definition:

Technical assistance is support provided by a third party to EPA to conduct response activities. Third parties that may provide assistance include the U.S. Army Corps of Engineers (USACE), the U.S. Fish and Wildlife Service, other Federal agencies and federal contractors.

Definition of Accomplishment:

The start of technical assistance (Action Name = Technical Assistance) is the obligation of funds for technical assistance. The completion is defined as the completion of the response activities for the stage at which technical assistance was requested.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Funds for Technical Assistance are contained in the site characterization or enforcement AOA or Federal facility. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned or obligated site- or non-site specifically; however, they must be outlayed site-specifically. This is a program measure.

EXHIBIT A.2 (1 OF 8)
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | Brownfields Assessment | Pre-CERCLIS Screening Assessments | Site Discovery | Sites Archived |
|---|-------------------------------|--|-----------------------|-----------------------|
| GPRA Target/Annual Performance Goal | - | - | - | - |
| GPRA or Program Measure? | Program Measure | GPRA Measure | GPRA Measure | GPRA Measure |
| Planned Site-Specifically? | No | No | No | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN or CERCLIS? | Non-Site-specific | Non-Site Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Site Characterization | Site Characterization | N/A | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A |
| Basis for AOA? | Non-Site Specific Plans | Non-Site Specific Plans | N/A | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT A.2 (2 OF 8)

SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | PA Starts at Non-Federal Facilities | FF PA Review Starts | PA Completions at Non-Federal Facilities | FF PA Review Completions |
|---|-------------------------------------|-------------------------|--|--------------------------|
| GPRA Target/Annual Performance Goal | - | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | No | No | No | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Site Characterization | Site Characterization | N/A | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A |
| Basis for AOA? | Non-Site Specific Plans | Non-Site Specific Plans | N/A | N/A |

EXHIBIT A.2 (3 OF 8)

SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | SI Starts at Non Federal Facilities | SI Completions at Non Federal Facilities | Combined PA/SI Assessment Starts at Non Federal Facilities | Combined PA/SI Assessment Starts at Non Federal Facilities |
|---|-------------------------------------|--|--|--|
| GPRA Target/Annual Performance Goal | - | - | - | - |
| GPRA or Program Measure | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | No | No | No | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Site Characterization | N/A | Site Characterization | Site Characterization |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A |
| Basis for AOA? | Non-Site Specific Plans | N/A | Non-Site Specific Plans | Non-Site Specific Plans |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT A.2 (4 OF 8)
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | SIP Starts at Non Federal Facilities | SIP Completions at Non Federal Facilities | ESI Starts at Non Federal Facilities | ESI Completions at Non Federal Facilities |
|--|---|--|---|--|
| GPRA Target/Annual Performance Goal | - | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | No | No | Yes | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Site Characterization | N/A | Site Characterization | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A |
| Basis for AOA? | Non-site Specific Plans | N/A | Site-Specific Plans | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT A.2 (5 OF 8)
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | Federal Facility SI/ESI Review Starts | Federal Facility SI/ESI Review Completions | Integrated ESI/RI Starts | Integrated ESI/RI Completions | State Deferral |
|--|--|---|---------------------------------|--------------------------------------|-----------------------|
| GPRA Target/Annual Performance Goal | - | - | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | No | No | Yes | No | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | N/A | N/A | Site Characterization | N/A | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A | N/A |
| Basis for AOA? | N/A | N/A | Site-Specific Plans | N/A | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT A.2 (6 OF 8)
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | HRS Package Starts | HRS Package Completions | Integrated Removal Assessments and PA Starts at non-Federal Facilities | Integrated Removal Assessments and PA Completions at non-Federal Facilities |
|--|---------------------------|--------------------------------|---|--|
| GPRA Target/Annual Performance Goal | - | | - | |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | No | Yes | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Site Characterization | N/A | Removal and Site Characterization | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A |
| Basis for AOA? | Site Specific Plans | N/A | Non-Site Specific Plans | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT A.2 (7 OF 8)
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | Integrated Removal Assessment & SI Starts at Non-Federal Facility Sites | Integrated Removal Assessment & SI Completions at Non-Federal Facility Sites | Integrated Removal Assessment and Combined PA/SI Starts at Non-Federal Facility Sites | Integrated Removal Assessment and Combined PA/SI Completions at Non-Federal Facility Sites |
|--|--|---|--|---|
| GPRA Target/Annual Performance Goal | - | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | Yes | Yes | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole-Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Removal and Site Characterization | Removal and Site Characterization | Removal and Site Characterization | Removal and Site Characterization |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A |
| Basis for AOA? | Non-Site Specific Plans | N/A | Non-Site Specific Plans | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT A.2 (8 OF 8)
SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS

| Planning Requirements | NPL Listing | Regional Decisions | Support Agency Assistance | Technical Assistance |
|--|-------------------------------------|---------------------------|-------------------------------------|-------------------------------------|
| GPRA Target/Annual Performance Goal | GPRA Target | - | - | - |
| GPRA or Program Measure? | - | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | No | Not Required | Not Required |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Operable Unit | Whole Site or Operable Unit | Operable Unit |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Not Required | Not Required |
| AOA Category, if Fund-Financed? | Other Response/ Federal Facility | N/A | Site Characterization | Site Characterization |
| AOA Category for Oversight? | N/A | N/A | Enforcement or Federal Facility | Enforcement |
| Basis for AOA? | Site-Specific Plans | N/A | Site- or Non-Site Specific Plans | Site- or Non-Site Specific Plans |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

Superfund/Oil Program Implementation Manual FY 99/00

Appendix B: Response Actions

July 1, 1998

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Appendix B Response Action Targets and Measures

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Appendix B
Response Action
Targets and Measures

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APPENDIX B RESPONSE ACTIONS FY 99/00 RESPONSE TARGETS AND MEASURES

OVERVIEW OF FY 99-00 RESPONSE ACTIONS TARGETS/MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor progress each Region is making towards achieving the Government Performance and Results Act (GPRA) targets and annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, targets (GPRA targets/annual performance goals) and measures (GPRA and program measures) are defined as follows:

- ***GPRA Targets/Annual Performance Goals*** are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices. They are numerical goals that are established nationally prior to the start of the operating year; for example, 136 construction completions at Superfund National Priorities List (NPL) sites in FY 99.
- ***Measures*** are activities deemed essential to tracking overall program progress. There are two types of measures: GPRA measures and program measures. GPRA measures simply track the number of actions that occur throughout the year (accomplishments) and are used to evaluate program progress; for example, the number of agreements negotiated states and tribes. Program measures are used to project the number of actions that each Region expects to perform during the year using anticipated resources; for example, the number of sites where EPA settled based on ability-to-pay determinations.

The following pages contain, in pipeline order, the definitions of the FY 99/00 removal and remedial action activities, GPRA Targets/Annual performance goals, GPRA & Program measures, and removal and remedial action project support activities. Exhibit B.1 displays the full list of removal and remedial action activities defined in this Appendix. Exhibit B.2, at the end of this Appendix, illustrates the remedial action process. Exhibit B.3, also at the end of this Appendix, identifies planning requirements for all removal and remedial action activities.

SUPERFUND DURATIONS

The Superfund program has tracked remedial pipeline durations for several years in the Superfund Senior Management Reports as part of Superfund progress evaluation. As program management emphasis shifts from administrative progress to more comprehensive measurement of program progress, OERR will track additional durations besides the remedial pipeline durations. These durations include: Engineering Evaluation/Cost Analysis (EE/CA) duration; Expanded Site Inspection/Remedial Investigation (ESI/RI) duration; removal duration; average duration between proposed listing to first removal or remedial action; and average duration from action memorandum to first removal completion. In FY 99/00, OERR will track the average action and site durations presented below. These durations are not SCAP measures; they are presented here for informational purposes only. HQ is responsible for calculating and publishing the durations in the Superfund Senior Management Reports; however, Regions are responsible for entering and maintaining accurate data from which durations can be derived.

The durations only cover non-Federal actions and are calculated based on actual dates. In addition, they do not include takeovers (within actions) or phased actions. These durations are tracked by the response and enforcement programs.

- Average Remedial Investigation/Feasibility Study (RI/FS) Duration
- Duration from Record of Decision (ROD) to Remedial Design (RD) Start
- Duration from ROD to Remedial Action (RA) Start

**EXHIBIT B.1
RESPONSE ACTION ACTIVITIES**

| ACTIVITY | GPRA Target/Annual Performance Goal | MEASURE | |
|---|--|---------|---------|
| | | GPRA | PROGRAM |
| Engineering Evaluation/Cost Analysis (EE/CA) | | | ✓ |
| Support Agency Assistance | | | ✓ |
| Technical Assistance | | | ✓ |
| Remedial Investigation (RI) Starts | | | ✓ |
| Feasibility Study (FS) Starts | | | ✓ |
| Combined RI/FS Starts | | | ✓ |
| Treatability Studies | | | ✓ |
| Start of Public Comment Period (Proposed Plan to Public) | | | ✓ |
| RI/FS Duration | | ✓ | |
| Decision Document Signed | | | ✓ |
| ROD Amendments and Explanation of Significant Differences | | | ✓ |
| Pre-Design Assistance | | | ✓ |
| RD Start | | | ✓ |
| RD Completion | | | ✓ |
| RA Start | ✓ | | |
| RA Contract Award | | | ✓ |
| Start of Response Action/Activity | ✓ | | |
| Operational and Functional (O&F) | | | ✓ |
| Long-Term Response Action (LTRA) | | | ✓ |
| Completion of a Response Action/Activity | | ✓ | |
| NPL Site Construction Completions | ✓ | | |
| Operation and Maintenance (O&M) | | | ✓ |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT B.1 (continued)
RESPONSE ACTION ACTIVITIES

| ACTIVITY | GPRA Target/Annual Performance Goal | MEASURE | |
|--|--|---------|---------|
| | | GPRA | PROGRAM |
| NPL Site Completions | | ✓ | |
| Five-Year Reviews | | | ✓ |
| Partial NPL Deletion | | | ✓ |
| Final NPL Deletion | | | ✓ |
| Non-NPL Site Completion | | ✓ | |
| Indicators A-C Progress Through Environmental Indicators | | ✓ | |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

RESPONSE ACTION DEFINITIONS**ENGINEERING EVALUATION/COST ANALYSIS (EE/CA)****Definition:**

The EE/CA identifies objectives for a Non-Time Critical (NTC) response action, and includes an analysis of cost, effectiveness, and implementability of the various alternatives that may be used to satisfy these objectives.

Definition of Accomplishment:

The actual start date of an EE/CA is the date that the appropriate Regional official signs the EE/CA Approval Memorandum. This information should be recorded in WasteLAN as the actual start date (Actual Start) of the EE/CA (Action Name = Engineering Eval/Cost Analysis). The actual completion date of an EE/CA is the date that the appropriate Regional official signs the Action Memorandum. This information should be recorded as the actual completion date (Actual Complete) of the EE/CA (Action Name = Engineering Eval/Cost Analysis).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

EE/CAs are planning measures. They are reported site-specifically in WasteLAN. Funds for EE/CAs are contained in the site characterization AOA. This is a program measure.

SUPPORT AGENCY ASSISTANCE**Definition:**

The activities performed by another entity to support an EPA response is support agency assistance. The support agency furnishes necessary data to EPA, reviews response data and documents, and provides other assistance to EPA.

EPA may provide States, political subdivisions, and Indian Tribes with funding to carry out a variety of management responsibilities via a support agency Cooperative Agreement to ensure the meaningful and substantial involvement in response activities.

Unless otherwise specified in the Cooperative Agreement, all support agency costs, with the exception of RA support agency costs, may be planned under a single Superfund account number designated specifically for support agency activities. RA support agency activities must be planned site-specifically and require cost share provisions.

Definition of Accomplishment:

The start of support agency assistance (Action Name = Management Assistance) is the signature of the Cooperative Agreement by the Regional Administrator or his designee. The completion of support agency assistance is the completion of all remedial activities at the site.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Funds for support agency assistance are contained in the site characterization, enforcement, or Federal facility AOA. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned or obligated site or non-site specifically; however, they must be outlaid site-specifically. This is a program measure.

TECHNICAL ASSISTANCE

Definition:

Technical assistance is support provided by a third party to EPA regions to conduct response activities. Third parties that may provide assistance include U.S. Army Corps of Engineers (USACE), US EPA laboratories, U.S. Fish and Wildlife Service, Alternative Remedial Contracting Strategy (ARCS), Superfund Technical Assistance and Response Team (START) and Response Action Contracts (RAC) contractors.

Definition of Accomplishment:

The start of technical assistance (Action Name = Technical Assistance) is the obligation of funds for technical assistance. The completion is defined as the completion of the response activities for the stage at which technical assistance was requested.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Technical assistance is paid for by the response program and is contained in the site characterization AOA. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned or obligated site- or non-site specifically; however, they must be outlayed site-specifically. This is a program measure.

REMEDIAL INVESTIGATION (RI) STARTS

Definition:

The purpose of the RI is to collect data necessary to adequately characterize the site for the purpose of developing and evaluating effective remedial alternatives. The RI provides information to assess the risks to human health and the environment and to support the development, evaluation, and selection of appropriate response alternatives.

The RI may be conducted alone, as part of a site-wide integrated ESI/RI assessment, or as a combined Remedial Investigation/Feasibility Study (RI/FS). The start of an RI/FS is a program measure. The RI start and RI/FS start definitions are the same. Regions are not required to enter the RI start date if the RI is being conducted as part of an ESI/RI or RI/FS.

Obligation of funds for forward planning, community relations and/or other support activities do not constitute a RI start.

Definition of Accomplishment:

Fund-financed (Including F-, TR - and S-lead actions) - Credit for a Fund-financed RI (Action Name = Remedial Investigation) start is received when funds are obligated and the actual start date (Actual Start) has been recorded in WasteLAN. Funds are obligated when:

- The contract modification or work assignment for the RI has been signed by the EPA Contracting Officer (CO); or
- An IAG has been signed by the other Federal agency [Bureau of Reclamation (BUREC) or USACE]; or
- A Cooperative Agreement has been signed by the Regional Administrator or designee to conduct a RI.

If a subsequent RI is initiated without a new obligation of funds, the start date as recorded in WasteLAN is defined as EPA's written approval of the work plan for the subsequent RI.

PRP-financed under Federal enforcement (Includes RP- and MR-lead actions) - A PRP- financed RI (Action Name

= PRP RI) under Federal enforcement starts when one of the following enforcement actions occurs:

- An Administrative Order on Consent (AOC), in which the Potentially Responsible Parties (PRPs) agree to conduct the RI, is signed by the Regional Administrator or delegatee. The RI start date (Actual Start) is the date the AOC is signed. This is reported in WasteLAN as the AOC (Action Name = Administrative Order on Consent) completion date (Actual Complete); or
- A Consent Decree (CD), in which the PRPs agree to conduct the RI, is referred by the Region to Department of Justice (DOJ) or HQ. The RI start date (Actual Start) is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ. This is recorded in WasteLAN as the CD (Action Name = Consent Decree) actual start date (Actual Start).

PRP-financed under State enforcement (PS-lead actions) - A PRP-financed RI (Action Name = PRP RI) under State enforcement starts when a State order or comparable enforcement document (Action Name = State Order or State Decree), in which the PRPs agree to conduct the RI, is signed by the last appropriate State official or party (Actual Complete) and the site is covered by one of the following:

- State enforcement Cooperative Agreement signed by the Regional Administrator; or
- Superfund Memorandum of Agreement (SMOA) signed by the appropriate State and Regional official containing a schedule for RI work at the site; or
- A general SMOA signed by the appropriate State and Regional officials covering remedial work to be undertaken with schedules defined before work commences; or
- Other State/EPA agreement signed by the appropriate State and Regional official.

If a subsequent RI is initiated without a new or amended AOC, CD, State order, or other comparable State enforcement document, the start date for the RI as recorded in WasteLAN is documented by a letter, form, or memo from EPA or the State approving the work plan for the subsequent RI.

If an AOC, State order, or other comparable State enforcement document is amended for the subsequent RI, the start date is the date the last State official or Regional Administrator/delegatee signs the amendment. If a Federal CD is amended, the start date is the date on which the memo transmitting the CD to HQ or DOJ is signed by the Regional Administrator.

In-house (EP-lead action) - Credit for an in-house RI (Action Name = Remedial Investigation) start is received on the date that the Region conducts the initial RI scoping meeting. The start (Actual Start) is documented by a memo to file containing the minutes from the meeting.

Changes in Definition FY 98 - FY 99/00:

For PRP-financed actions, the enforcement instrument is signed by the Regional Administrator or delegatee.

Special Planning/Reporting Requirements:

Regions are not required to enter the RI start date if the RI is being conducted as part of an RI/FS or site-wide ESI/RI. The RI actual start date is reported site-specifically in WasteLAN. For PRP-financed RIs, both the RI start (Actual Start) and the CD start (Actual Start) or AOC, State Order, or State Decree completion dates (Actual Complete) must be entered into WasteLAN. These dates should be the same. Funds for RIs and RI oversight are found in the site characterization AOA. This is a program measure.

FEASIBILITY STUDY (FS) STARTS

Definition:

The primary objective of a FS is to ensure that appropriate remedial alternatives are developed and evaluated such that an appropriate remedy may be selected.

The FS may be conducted alone or as part of a combined RI/FS. Combined RI/FS starts are program measures. Regions are not required to enter the FS start date if the FS is being conducted as part of a combined RI/FS.

Obligation of funds for forward planning, community relations and/or other support activities does not constitute a FS start.

Definition of Accomplishment:

Fund-financed (Including F-, TR- and S-lead actions) - Credit for a Fund-financed FS (Action Name = Feasibility Study) start is received when funds are obligated and the actual start date (Actual Start) is entered into WasteLAN. Funds are obligated when:

- The contract modification or work assignment for the FS has been signed by the EPA CO; or
- An IAG has been signed by the other Federal agency (USACE or BUREC); or
- A Cooperative Agreement has been signed by the Regional Administrator or his designee to conduct a FS.

If a first or subsequent FS is initiated without a new obligation of funds, the start date as recorded in WasteLAN is defined as the date of EPA's written approval of the work plan for the FS.

PRP-financed under Federal enforcement (Including RP- and MR-lead actions) - A PRP- financed FS (Action Name = PRP FS) under Federal enforcement starts when one of the following enforcement actions occurs:

- An AOC that addresses FS activities is signed by the Regional Administrator or delegatee. The FS start date (Actual Start) is the date the AOC is signed. This is recorded in WasteLAN as the AOC (Action Name = Administrative Order on Consent) actual completion date (Actual Complete); or
- A CD that addresses FS activities is referred by the Region to DOJ or HQ. The FS start date (Actual Start) is the date (Actual Start) of signature by the Regional Administrator on the memo transmitting the CD (Action Name = Consent Decree) to DOJ or HQ.

PRP-financed under State enforcement (PS- lead actions) - A PRP-financed FS (Action Name = PRP FS) under State enforcement starts when a State order or comparable enforcement document (Action Name = State Order or State Decree), in which the PRPs agree to conduct the FS, is signed by the last appropriate State official or party (Actual Complete), and the site is covered by one of the following:

- State enforcement Cooperative Agreement signed by the Regional Administrator; or
- SMOA signed by the appropriate State and Regional official containing a schedule for FS work at the site; or
- Other State/EPA agreement signed by the appropriate State and Regional official.

If a first or subsequent FS is initiated without a new or amended AOC, CD, State order, or other comparable State enforcement document, the start date of the FS is documented by a letter, form, or memo from EPA or the State approving the work plan for the subsequent FS.

If an AOC, State order, or other comparable State enforcement document is amended for the first or subsequent FS, the actual start date is the date the last State official or the Regional Administrator/delegatee signs the amendment. If Federal CD is amended, the start date is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ.

In-house (EP-lead action) - Credit for an in-house FS (Action Name = Feasibility Study) start is received on the date that the Region conducts the initial FS scoping meeting. The start date (Actual Start) is documented by a memo to file containing the minutes from the meeting.

Changes in Definition FY 98 - FY 99/00:

For PRP-financed actions, the enforcement instrument is signed by the Regional Administrator or delegatee.

Special Planning/Reporting Requirements:

Regions are not required to enter the FS start date if the FS is being conducted as part of a combined RI/FS. The FS or combined RI/FS actual start date is entered into WasteLAN site-specifically. For a PRP-financed FS, both the FS start date (Actual Start) and the CD start date (Actual Start), or the AOC, State Order or State Decree actual completion date (Actual Complete) must be entered into WasteLAN. These dates should be the same. Funds for FS and FS oversight are contained in the site characterization AOA. This is a program measure.

COMBINED RI/FS START

Definition:

The purpose of the RI/FS is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy.

The start of an RI/FS is a program measure. The RI/FS start and the RI start definition are the same. Regions are not required to enter the RI start date if the RI is being conducted as part of an RI/FS or a site-wide ESI/RI. Regions are not required to enter the FS start date if the FS is being conducted as part of a RI/FS.

Obligation of funds for forward planning, community relations and/or other support activities do not constitute a RI/FS start.

Definition of Accomplishment:

Fund-financed (Including F-, TR- and S-lead actions) - Credit for a Fund- financed RI/FS (Action Name = Combined RI/FS) start is received when funds are obligated and the actual RI/FS start date (Actual Start) is reported in WasteLAN. Funds are obligated when:

- The contract modification or work assignment for the RI/FS has been signed by the EPA CO; or
- An IAG has been signed by the other Federal agency (USACE or BUREC); or
- A Cooperative Agreement has been signed by the Regional Administrator or designee to conduct a RI/FS.

If a first or subsequent RI/FS is initiated without a new obligation of funds, the start date is defined as the date of EPA's written approval of the work plan for the RI/FS.

PRP-financed under Federal enforcement (Includes RP- and MR-lead actions) - A PRP-financed RI/FS (Action Name = PRP RI/FS) under Federal enforcement starts when one of the following enforcement actions occurs:

- An Administrative Order on Consent (AOC), in which the potentially responsible parties (PRPs) agree to conduct the RI/FS, is signed by the Regional Administrator or delegatee. The RI/FS start date (Action Name = PRP RI/FS) is the date the AOC is signed. This is recorded in WasteLAN as the AOC (Action Name = Administrative Order on Consent) completion date (Actual Complete); or

- A Consent Decree (CD) in which the PRPs agree to conduct the RI/FS, is referred by the Region to DOJ or HQ. The RI/FS start date (Actual Start) is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ. This is recorded in WasteLAN as the CD (Action Name = Consent Decree) actual start date (Actual Start).

PRP-financed under State enforcement (PS-lead actions) - A PRP-financed RI/FS (PRP RI/FS) under State enforcement starts when a State order or comparable enforcement document (Action Name = State Order or State Decree), in which the PRPs agree to conduct the RI/FS, is signed by the last appropriate State official or party (Actual Complete) and the site is covered by one of the following:

- State enforcement Cooperative Agreement signed by the Regional Administrator; or
- SMOA signed by the appropriate State and Regional official containing a schedule for RI/FS work at the site; or
- Other State/EPA agreement signed by the appropriate State and Regional officials.

If a first or subsequent RI/FS is initiated without a new or amended AOC, CD, State order, or other comparable State enforcement document, the start date of the RI/FS is documented by a letter, form, or memo from EPA or the State approving the work plan for the subsequent RI/FS.

If an AOC, State order, or other comparable State enforcement document is amended for the first or subsequent RI/FS, the start date is the date on which the last State official or Regional Administrator/delegatee signs the amendment. If an CD is amended, the start date is the date on which the memo transmitting the CD to HQ or DOJ is signed by the Regional Administrator.

In-house (EP-lead action) - Credit for an in-house RI/FS (Action Name = Combined RI/FS) start is received when the Region has the initial RI/FS scoping meeting and the date is entered into WasteLAN. The start (Actual Start) is documented by a memo to file containing the minutes from the meeting.

Changes in Definition FY 98 - FY 99/00:

For PRP-financed actions, the enforcement instrument is signed by the Regional Administrator or delegatee.

Special Planning/Reporting Requirements:

Regions are not required to report a combined RI/FS start if a separate RI and FS are being conducted. The combined RI/FS actual start date is entered into WasteLAN site-specifically. For a PRP-financed RI/FS, the RI/FS start date (Actual Start) and the CD start date (Actual Start), or AOC State Order, or State Decree actual completion date (Actual Complete) must be entered into WasteLAN. These dates should be the same. Funds for RI/FS and RI/FS oversight are contained in the site characterization AOA. This is a program measure.

TREATABILITY STUDIES

Definition:

Treatability studies are laboratory or field tests used to evaluate and implement one or more remedial alternatives.

Definition of Accomplishment:

Fund-financed (F-, S- or TR- lead) - The start date is the date of EPA's written approval, as reflected in WasteLAN, of the treatability study work plan. The completion is the written approval of the report on the results of the treatability study.

PRP-financed (RP-, MR- or PS- lead) - The treatability study starts when EPA approves, in writing, the treatability study work plan submitted by the PRP. The completion is the approval of the report on the results of the treatability study.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Treatability study (Action Name = Treatability Studies) planned and actual start (Planned Start and Actual Start) and completion (Planned Complete and Actual Complete) dates are not required in WasteLAN. Treatability studies are funded as part of an ESI/RI, RI/FS, or RD. Dollars are not budgeted, planned, or obligated separately. This is a program measure.

START OF PUBLIC COMMENT PERIOD (PROPOSED PLAN TO PUBLIC)

Definition:

The FS or RI/FS report is released to the public when the contamination at the site has been characterized and alternatives for remediation have been evaluated.

Definition of Accomplishment:

The Start of Public Comment Period (Proposed Plan to Public) is accomplished either (1) on the date the appropriate Regional official signs a letter transmitting RI/FS reports and the proposed plan to the site repository for public review, or (2) when the first page of the approved proposal plan, which lists the dates the public comment period starts and ends, is included in the site file. This date must be recorded in WasteLAN as the actual completion date (Actual Complete) of the SubAction, Start of Public Comment (Action Name = Feasibility Study or Combined RI/FS or PRP FS or PRP RI/FS and SubAction Name = Start of Public Comment).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Accomplishments are based on the first proposed plan released to the public for each FS or RI/FS, regardless of lead. This is a program measure.

RI/FS DURATION

Definition:

The purpose of the RI/FS is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy.

The RI/FS starts with the obligation of Fund monies; or the signature of an AOC, State Order, or State Decree for the RI or RI/FS or the transmittal of a CD for RI or RI/FS to HQ or DOJ; or the conduct of the RI/FS scoping meeting and culminates with the signature of the ROD.

The objective of this measure is to focus on good project management of critical portions of the traditional remedial pipeline and establish a methodology which accurately assesses program performance. Duration trends provide indicators of areas that require attention.

Only RI/FS projects that started post-SARA will be used for comparison and evaluation purposes.

Definition of Accomplishment:

This measure includes all RI/FS projects that have a targeted completion date in FY 99/00. The RI/FS duration will be calculated based on the RI or Combined RI/FS Start and Decision Document Signed (ROD completion) definitions specified in this Manual. Regional performance in FY 99/00 will be compared to:

- The Regional and national average duration of RI/FS projects completed in FY 97 and FY 98 or FY 99/00;
- The Regional and national average duration of RI/FS projects completed in previous quarters of FY 99/00

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

WasteLAN will automatically look at actual RI or RI/FS start dates and actual ROD completion dates. HQ will perform the analysis of the average durations. Fund and PRP durations will be tracked. RI/FS duration is a GPRA measure.

DECISION DOCUMENT SIGNED

Definition:

A "Decision Document" is developed to identify **each** decision (at NPL, non-NPL, and NPL caliber sites) to:

- Perform an emergency, time-critical, or Non-Time Critical (NTC) removal; or
- Perform a remedial action

Definition of Accomplishment:

Removals (Emergency, Time Critical, or NTC) - The date the On-Scene Coordinator (OSC), AA OSWER, or designated Regional official signs the **first or original** Action Memorandum for **each removal**. (Regions will not receive credit for subsequent Action Memos, e.g., ceiling increases at the same removal.) The date of the signature is recorded in WasteLAN as the actual completion date (Actual Complete) of the SubAction, Approval of Action Memo or Removal Action Memo Document. To receive credit for the Action Memo, the Region must enter the response technologies to be implemented in the removal.

Remedial Actions - The date the Regional Administrator/Deputy Regional Administrator or the AA OSWER signs the ROD for each RA. This date must be reported in WasteLAN as the actual RI/FS (Action Name = Combined RI/FS or PRP RI/FS) or FS (Action Name = Feasibility Study or PRP FS) and ROD (Action Name = Record of Decision) completion dates (Actual Complete). Final RODs will be tracked as a component of this target. To receive credit for the ROD, the Region must enter the technologies selected and their estimated cost (RA Cost Estimate).

For State-lead, State-signed RODs, where the ROD also is signed by EPA, accomplishments are reported as the date the State signs the ROD (as long as the date of the EPA signature precedes or is the same as the date of the State signature).

These decisions will be tracked separately but reported on a combined basis.

Changes in Definition FY 98 - FY 99/00:

Decision Document signed is no longer a target. It is a program measure. Early actions (remedial authority) were deleted. Changed early actions (removal authority) to removals.

Special Planning/Reporting Requirements:

In order to identify the response technologies selected in the Action Memo, the Region must enter the media addressed through the action (Media Type and Media Name) and the Selected Response Actions into WasteLAN. To identify the response technologies selected in the ROD, the Region must enter the name of the selected alternative (Alternative Name), the media addressed in the ROD (Media Type and Media Name) and the Selected Response Actions into WasteLAN. This is a program measure.

ROD AMENDMENTS AND EXPLANATION OF SIGNIFICANT DIFFERENCES (ESDs)**Definition:*****ROD Amendments***

A ROD Amendment occurs when there are fundamental changes to the remedy. A fundamental change is when the hazardous waste management approach selected in the ROD is reconsidered. For each ROD Amendment the ROD process (revised proposed plan, public comment period, public meeting, responsiveness summary, and amended ROD) should be repeated.

ESDs

When significant changes are made to a component of a remedy, an explanation of significant differences (ESDs) should be prepared. ESDs do not fundamentally alter the overall approach intended by a remedy. The ESD is made available to the public and placed in the Administrative Record.

Definition of Accomplishment:

ROD Amendments - The date the Regional Administrator/Deputy Regional Administrator signs the amended ROD should be recorded in WasteLAN as the actual completion date (Actual Complete) of the ROD Amendment subAction (Action Name = Record of Decision and SubAction Name = ROD Amendment).

ESDs - The date the ESD is placed in the Administrative Record is reported as the actual completion date (Actual Complete) of the ESD SubAction (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning and Reporting Requirements:

ESDs and ROD amendments are being tracked as program measures. Regions should enter the following information into WasteLAN for the amended ROD and ESDs: Alternative Name; Media Type; Media Name; Response Actions Selected; and RA Cost Estimate. This is a program measure.

PRE-DESIGN ASSISTANCE**Definition:**

Pre-design assistance activities are undertaken by the USACE in preparation for initiating RD activities. This includes:

- Synopsizing RD requirements in the Commerce Business Daily (CBD);
- Developing architect/engineer (A/E) firm pre-selection list;

- Contacting A/E firms on the pre-selection list to ascertain interest in project;
- Developing A/E selection list; and
- Tentatively selecting A/E firm.

Definition of Accomplishment:

The initiation of pre-design assistance (Action Name = Design Assistance) is the signature of the IAG by USACE (obligation of funds). The completion of design assistance is the start of RD.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Funds for pre-design assistance should be obligated prior to the signature of the ROD. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned site-or non-site specifically; however, they must be obligated site-specifically. Funds for design assistance are in the site characterization AOA. This is a program measure.

REMEDIAL DESIGN (RD) START

Definition:

The RD converts the remedy selected in the ROD into a final design document for the RA. The obligation of funds for design assistance or technical assistance does not constitute a RD start.

Pre-design activities will not be counted as a RD start.

Definition of Accomplishment:

Fund-Financed (F-, TR-, and S-lead actions) - A Fund-financed RD (Action Name = Remedial Design) is started (Actual Start) when funds are obligated. An obligation is made when:

- The EPA Contracting Officer (CO) signs the contract modification or work assignment for the RD; or
- A Cooperative Agreement is signed by the Regional Administrator or his designee; or
- An IAG is signed by the other Federal agency.

In those instances where design assistance is conducted prior to ROD signature, and there is not a new obligation of funds for a subsequent RD, the start of RD is defined as the written approval of the work plan to conduct these activities. If there is a new obligation of funds, the start of RD is defined as the date funds are obligated. When a RD has been prepared by other parties (e.g., water lines where the city already prepared plans and specifications) or plans developed for a similar site will be used, the RD actual start date is the same as the RA actual start date.

PRP-financed under Federal enforcement (RP-lead) - The start (Actual Start) or a RP-lead RD (Action Name= PRP RD) is credited on the date the earlier of the following actions takes place:

- The enforcement document under which the RD is to be conducted becomes effective:
 - For an Administrative Order on Consent (AOC), this is the date of signature of the AOC for RD by the Regional Administrator or his designee, or the date of signature of an amendment to an existing AOC to include RD;
 - For a Unilateral Administrative Order (UAO), this is the date of the PRP's written notice of intent to comply with the UAO;

- For a CD, this is either the date the CD is lodged by the DOJ, or the date the CD is entered with the court (depending on the wording of the CD); **or**
- An official written notice to proceed is issued by EPA to the PRP.

PRP-financed under Federal enforcement (MR-lead) - The start (Actual Start) of a MR-lead RD (Action Name = PRP RD) is credited on the date the earlier of the following actions takes place:

- The enforcement document under which the RD is to be conducted becomes effective:
 - For an Administrative Order on Consent (AOC), this is the date of signature of the AOC for RD by the Regional Administrator or his delegatee, or the date of signature of an amendment to an existing AOC to include RD;
 - For a CD, this is either the date the CD is lodged by the DOJ, or the date the CD is entered with the court (depending on the wording of the CD); **or**
- An official written notice to proceed is issued by EPA to the PRP.
- **PRP-financed under State enforcement (PS-lead actions)** - Credit will be given (Actual Start) for a PS-lead RD (Action Name=PRP RD) based on the issuance or effective date of a State order or other comparable State enforcement document for RD (or combined RD/RA). If the RD is covered by a pre-existing State order, credit will be based on the notice to proceed date.

Changes in Definition FY 98 - FY 99/00:

Deleted the UAO for MR-lead RD actions.

Special Planning/Reporting Requirements:

The actual start date (Actual Start) of the RD (Action Name = Remedial Design or PRP RD) must be entered into WasteLAN. Accomplishments are reported site-specifically. Funds for RDs are in the site characterization AOA. This is a program measure.

RD COMPLETION

Definition:

The RD converts the remedy selected in the ROD into a final design document for RA.

Definition of Accomplishment:

A RD is complete when:

- **Fund-financed (F-, TR-, and S-lead actions)** - EPA approves, in writing, the final design document.
- **PRP-financed under Federal enforcement (MR- and RP-lead actions)** - EPA approves, in writing, the final design document.
- **PRP-financed under State enforcement (PS-lead actions)** - the State approves the final design document.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

The actual completion date (Actual Complete) of the RD (Action Name = Remedial Design or PRP RD) must be entered into WasteLAN. Accomplishments are reported site-specifically. This is a program measure.

REMEDIAL ACTION (RA) START

Definition:

A RA is the implementation of the remedy selected in the ROD. Remedial actions can only be funded at sites that are final on the NPL.

Definition of Accomplishment:

Remedial Action

- ***Fund-financed (F-, TR-, and S-lead actions)*** - Credit for a RA start is given on the date a contract modification for the RA is signed by the EPA CO or the IAG is signed by the other Federal agency or Cooperative Agreement is awarded, and funds are obligated.

Credit for a subsequent RA start under an existing IAG is given on the date the amendment to the IAG to include the new work is approved.

The actual start date (Actual Start) of the RA (Action Name = Remedial Action) is entered into WasteLAN.

- ***PRP-financed under Federal enforcement (MR- and RP- lead actions)*** - Credit for a RA (Action Name=PRP RA start (Actual Start)) is given when one of the following occurs and has been recorded in WasteLAN:
 - If work is performed by the PRPs under the same CD or UAO (RP-lead RA only) as the RD, the RA start is the date EPA approves, in writing, the PRP RD document (RD completion); or

Where the Fund performed the RD or the RD was done under a settlement/order for RD and the PRPs are doing the RA under the terms of a CD, UAO (RP-lead RA only) or judgment for RA only, the RA start date (Actual Start) is the same as the date (Action Complete) of the PRP's written notice of intent to comply with the UAO for the RP-lead RA (Action Name = Unilateral Admin Order and SubAction Name = PRPs Ntfy EPA, Intent to Comply); or the date (Actual Start) the CD (Action Name = Consent Decree) is transmitted by the Regional Administrator to HQ or the DOJ; or the date (Actual Complete) the judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge. Where the PRP is in significant non-compliance with the UAO for the RP-lead RA, credit will be withdrawn.

- ***PRP-financed under State enforcement (PS-lead actions)*** - If the PRP is doing work under a State order or comparable enforcement document, and the site is covered by a State enforcement cooperative agreement or State Memorandum of Agreement (SMOA) with a schedule for remedial action work at the site, and EPA approved the ROD, the RA (Action Name = PRP RA) start (Actual Start) is the date the State approves, in writing, the PRP RD document.

For both Fund- and PRP-financed actions - The Region must identify the technologies to be constructed. To do this, the following information must be entered into WasteLAN: the Alternative Name, Media Name, Media Type, and the technology of the RA into the Response Action Type field (Selected Response Actions). Regions must also indicate the RA is a long-term action (Critical Indicator = Long-Term Action).

Limited Remedial Action - RODs where the only action selected is Monitored Natural Attenuation and/or Institutional Controls. Limited actions are distinguished from No Action/No Further Action RODs, such as those where groundwater monitoring is the only response activity selected.

- ***Fund-financed (F-, TR-, and S-lead actions)*** - Credit for a Limited Action RA start is given on the date ROD selecting a limited remedial action is signed. The actual start date (Actual Start) is entered into WasteLAN with the RA (Action Name = Remedial Action).

- **PRP-financed under Federal enforcement (RP-lead actions)** - When the PRPs are doing the Limited Action RA (Action Name = PRP RA) under the terms of a CD, UAO or judgment for RA only, the RA start date (Actual Start) is the same as the date (Action Complete) of the PRP's written notice of intent to comply with the UAO (Action Name = Unilateral Admin Order and SubAction Name = PRPs Ntfy EPA, Intent to Comply); or the date (Actual Start) the CD (Action Name = Consent Decree) is transmitted by the Regional Administrator to HQ or the DOJ; or the date (Actual Complete) the judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge. Where the PRP is in significant non-compliance with the UAO, credit will be withdrawn.
- **PRP-financed under Federal enforcement (MR-lead actions)** - When the PRPs are doing the Limited Action RA under the terms of a CD or judgment for RA only, the RA start date (Actual Start) is the same as the date (Actual Start) the CD (Action Name = Consent Decree) is transmitted by the Regional Administrator to HQ or the DOJ; or the date (Actual Complete) the judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge.
- **PRP-financed under State enforcement (PS-lead actions)** - When the PRPs are doing the Limited Action RA (Action Name = PRP RA) under a State order or comparable enforcement document, and the site is covered by a State cooperative agreement or SMOA with a schedule for work at the site, and EPA approved the ROD, the Limited Action RA starts (Actual Start) on the issuance or effective date of the enforcement instrument.

For both Fund- and PRP-financed actions - The Region must identify the technologies to be constructed. To do this, the following information must be entered into WasteLAN: the Alternative Name, Media Name, Media Type, and the technology of the RA into the Response Action Type field (Selected Response Actions). Regions must also indicate the RA is a limited remedial action (Critical Indicator = Limited Remedial Action).

Changes in Definition FY 98 - FY 99/00:

Deleted early actions (remedial authority). Added language that RAs can only be performed at sites that are final on the NPL

Special Planning/Reporting Requirements:

This is a GPRA target/annual performance goal. The actual start date (Actual Start) of the RA (Action Name = Remedial Action or PRP RA), the critical indicator (Long-Term Action or Limited Remedial Action), and, for PRP-lead RAs, the appropriate enforcement information must be entered into WasteLAN. The Region must enter the Alternative Name, Media Name, Media Type, and the remedial response actions (Selected Response Actions) associated with the RA into WasteLAN. Funds for Fund-financed RAs are planned on a site-specific basis and are placed by name in the RA AOA. Funds for oversight of RP-lead RAs are planned on a site-specific basis and are found in the site characterization AOA. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2).

RA CONTRACT AWARD

Definition:

Award of RA contract is the date a contract for construction of the remedy is awarded.

Definition of Accomplishment:

Fund-financed (F-, TR-, and S-lead actions) - Date (recorded in WasteLAN as an Actual Complete) when the EPA, State, USACE, or Bureau of Reclamation (BUREC) awards (signs) a contract to initiate a Fund-financed RA.

If the RAC or ARCS contractor is assigned RA responsibility, the award of RA contract is defined as the date the RA subcontract is signed by the contractor. If the Emergency Response Cleanup Services (ERCS) or Emergency and Rapid Response Services (ERRS) contractor will be performing the RA, award of RA contract is defined as the date (Actual Complete) the contract modification for the RA is signed by the EPA CO.

PRP-financed under Federal enforcement (MR-, RP-, and PS-lead actions) - Date (recorded in WasteLAN as an Actual Complete) when the PRP awards a contract to initiate the RA, as documented in a memorandum to the site file.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

The actual completion date (Actual Complete) must be placed in WasteLAN with the RA SubAction, Award of RA Contract (Action Name = Remedial Action or PRP RA and SubAction Name = Award of Contract). See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2). This is a program measure.

START OF RESPONSE ACTIONS/ACTIVITIES

THE FOLLOWING DEFINITIONS ARE UNDER REVIEW.

Definition:

This measure counts all removal actions, remedial actions, limited remedial actions, or RODs for groundwater monitoring only.

Removal Actions - Removal actions are responses performed at NPL, non-NPL, or NPL caliber sites that eliminate or reduce threats to public health or the environment from the release, or potential release, of hazardous substances. These risk reduction activities can be conducted as emergency responses, time-critical or NTC removal actions. This measure tracks each early action (removal or remedial) start at a site.

Remedial Actions - Remedial actions are cleanup responses intended to achieve the completion of more extensive site remediation. This measure tracks each remedial action start at a site.

Limited Remedial Action - Limited remedial actions result from RODs which select monitored natural attenuation to restore the groundwater and/or institutional controls as the only response actions. Limited actions are distinguished from No Action/No Further Action RODs, such as those where groundwater monitoring is the only response activity selected. Regions should enter monitored natural attenuation and institutional controls as remedial actions (Action Name = Remedial Action or PRP RA) in WasteLAN.

Groundwater monitoring is defined as the collection and analysis of groundwater samples as a result of a ROD that addresses groundwater contamination at a site or operable unit. The ROD will specify that (1) groundwater monitoring is the **only** activity that will be taken at the site, or (2) groundwater monitoring is the **only** activity that will be implemented during a operable unit groundwater cleanup. **A ROD that specifies groundwater monitoring with no other activity anticipated is a no action ROD. Do not enter a groundwater monitoring action [Action Name = Grndwtr Monitor (Post-ROD)] into WasteLAN if monitored natural attenuation to restore groundwater is the only response action selected to address groundwater at the site or operable unit.**

Definition of Accomplishment:

Removal Action - A site is addressed by an removal action when the EPA, RAC, ARCS, ERRS, ERCS, State, or PRP, or their contractors, have mobilized for construction of the removal action specified in the ROD or Action Memorandum.

- **Fund-financed (F-, TR-, S-, or CG- lead) actions** - EPA, State or their contractors have begun work at a site for construction of the removal (emergency, time-critical, or non-time critical) as documented by a Pollution Report (POLREP). The date of on-site construction is reported in WasteLAN as the removal (Action Name = Removal Action) actual start date (Actual Start).

- **PRP-financed (RP- and MR- lead) actions under the terms of an AOC, UAO, CD, or judgment** - The PRPs or their contractors have begun work on-site for construction of the removal (emergency, time critical, or non-time critical) as documented in a POLREP **and** the PRPs provide written notice of intent to comply with a UAO, or an enforcement instrument has been signed by EPA and the PRPs, or a judgment has been signed by a Federal judge.

The date of on-site construction is reported in WasteLAN as the removal (Action Name = PRP Removal) actual start date (Actual Start). The following information must be entered into WasteLAN for the enforcement instrument:

- The date the AOC (Action Name = Admin Order on Consent) was signed by the PRPs and the designated Regional official (Actual Complete), and the Response Actions Achieved of "PRP Removal"; or
- The date (Actual Complete) the PRPs provide notice of intent to comply (Action Name = PRP Notify EPA of Intent to Comply) with a UAO for a RP-lead removal signed (Actual Complete) by the designated Regional official (Action Name = Unilateral Admin Order), and the Response Actions Achieved of "PRP Removal"; or
- The date the CD (Action Name = Consent Decree) was signed by the PRPs, the designated Regional official, and the Federal judge (Actual Complete), and the Response Actions Achieved of "PRP Removal"; or
- The date a judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge (Actual Complete), and the Response Actions Achieved of "PRP Removal".
- **PRP-financed (PS-lead actions) under terms of a State Order or decree** - The PRPs or their contractors have begun work on-site for construction of the removal (emergency, time critical, or non-time critical) as documented in a POLREP and the State enforcement instrument has been signed by the appropriate State official.
- **PRP-financed (RP- lead actions) voluntary actions (no enforcement instrument exists)** - The PRPs or their contractors have begun work at a site for construction of the removal (emergency, time-critical, or non-time critical) **and** EPA is part of the unified command as documented by a Pollution Report (POLREP). The date of on-site construction is reported in WasteLAN as the removal (Action Name = PRP Removal) actual start date (Actual Start). [This definition is under review]

For both Fund- and PRP-financed removals, the following additional information must be entered into WasteLAN:

- The Critical Indicator classification of the removal [(1) Time Critical, (2) Non-Time Critical, or (3) Emergency];
- The media addressed through the removal (Media Type);
- The Media Name; and
- The Response Action being conducted (Selected Response Actions).

Remedial Action (RA On-Site Construction) - A site is addressed through a remedial action when the EPA, ARCS, RAC, the USACE, BUREC, State or PRP, or their contractors, have begun work at a site for on-site construction of the remedial action remedy selected in the ROD.

- **Fund-financed (F-, TR-, and S- lead actions)** - EPA, the State or their contractors have begun work for on-site construction of the remedy at a site on the final NPL. A memo to file documenting that the contractor has mobilized to begin construction or a report of mobilization from the contractor is required. This date is entered into WasteLAN as the RA on-site construction subAction (Action Name = Remedial Action and SubAction Name = RA On-Site Construction) actual completion date (Actual Complete). A Critical Indicator which classifies the RA as a Long-Term Action [Critical Indicator = (5) Long-Term Action] must be entered into WasteLAN.

- **PRP-financed under Federal enforcement (RP- and MR- lead actions)** - The PRPs or their contractors have begun work at a site for on-site construction of the remedy. The date of on-site construction must be documented in a memorandum to the site file stating when the contractor began substantial and continuous remedial activity. A copy of a report of start up from the contracting party is also acceptable. The date of on-site construction must be entered into WasteLAN as the RA on-site construction SubAction (Action Name = PRP RA and SubAction Name = RA On-Site Construction) actual completion date (Actual Complete). Also, the RA must be classified as a Long-Term Action (Critical Indicator = (5) Long-Term Action).

In addition, to receive credit under this measure, the PRPs must be in compliance with a UAO, or an enforcement instrument signed by EPA and the PRPs, or a judgment signed by a Federal judge. The following information must be entered into WasteLAN for the enforcement instrument:

- The date (Actual Complete) the PRPs provide notice of intent to comply (Action Name = PRP Notify EPA of Intent to Comply) with a UAO for the RP-lead RA signed (Actual Complete) by the designated Regional official (Action Name = Unilateral Admin Order), and the Response Actions Achieved of "PRP RA"; or
 - The date the CD (Action Name = Consent Decree) was signed by the PRPs, the designated Regional official, and the Federal judge (Actual Complete), and the Response Actions Achieved of "PRP RA"; or
 - The date a judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge (Actual Complete), and the Response Actions Achieved of "PRP RA".
- **PRP-financed under State enforcement (PS-lead actions)** - The PRPs or their contractors have begun work at a site for on-site construction of the remedy. The date of on-site construction must be documented in a memorandum to the site file stating when the contractor began substantial and continuous remedial activity. A copy of a report of start up from the contracting party is also acceptable. The date of on-site construction must be entered into WasteLAN as the RA on-site construction SubAction (Action Name = PRP RA and SubAction Name = RA On-Site Construction) actual completion date (Actual Complete). Also, the RA must be classified as a Long-Term Action (Critical Indicator = (5) Long-Term Action) in WasteLAN. In addition, to receive credit under this measure, the PRPs must be working under a State enforcement instrument.

For both Fund- and PRP-financed actions, the Region must identify the technologies being constructed. To do this, the following information must be entered into WasteLAN:

- The name of the Alternative being constructed (Alternative Name);
- The media addressed (Media Type);
- The Media Name; and
- The response actions being constructed (Selected Response Actions).

Limited Remedial Action - RODs where the only action selected is Monitored Natural Attenuation and/or Institutional Controls. Limited actions are distinguished from No Action/No Further Action RODs, such as those where groundwater monitoring is the only response activity selected.

- **Fund-financed (F-, TR-, and S-lead actions)** - Credit for a Limited Action RA start is given on the date ROD selecting a limited remedial action is signed. The actual start date (Actual Start) is entered into WasteLAN with the RA (Action Name = Remedial Action).
- **PRP-financed under Federal enforcement (MR- and RP- lead actions)** - When the PRPs are doing the Limited Action RA under the terms of a CD, UAO or judgment for Limited Action RA only, the RA start date (Actual Start) is the same as the date (Action Complete) of the PRP's written notice of intent to comply with the UAO

for the RP-lead RA (Action Name = Unilateral Admin Order and SubAction Name = PRPs Ntfy EPA, Intent to Comply); or the date the CD is transmitted by the Regional Administrator to HQ or the DOJ [as recorded in WasteLAN as the actual CD (Action Name = Consent Decree) start (Actual Start) and actual RA start (Actual Start)]; or the date a judgment (Action Name=Judicial/Civil Judgment) was signed by the Federal judge (Actual Complete). Where the PRP is in significant non-compliance with the UAO for the RP-lead RA, credit will be withdrawn.

- **PRP-financed under State enforcement (PS- and SD-lead)** - If the PRP is doing work under a State order or comparable enforcement document, and the site is covered by a State enforcement cooperative agreement or State Memorandum of Agreement (SMOA) with a schedule for remedial work at the site, and EPA approved the ROD, the RA start is the date the State approves, in writing, the PRP RD document;

For both Fund- and PRP-financed actions - The Region must identify the technologies being constructed. To do this, the following information must be entered into WasteLAN: the Alternative Name, Media Name, Media Type, and the technology of the RA into the Response Action Type field (Selected Response Actions) and indicate the RA is a limited remedial action (Critical Indicator = Limited Remedial Action).

Groundwater Monitoring (as the only activity taken at the site or groundwater operable unit)

Credit is given for a groundwater monitoring [Action Name = Grndwtr Monitor (Post-ROD)] start (Actual Start) when:

- **Fund-financed (F-, TR-, and S- lead actions)** - Funds are obligated for the groundwater monitoring. Funds are obligated when:
 - A contract modification or work assignment for groundwater monitoring is signed by the EPA CO; or
 - A Cooperative Agreement for groundwater monitoring is signed by the Regional Administrator or his/her designee; or
 - An IAG for groundwater monitoring is signed by the other Federal agency.
- **PRP-financed under Federal enforcement (MR- and RP- lead actions)** - PRP-financed groundwater monitoring under Federal enforcement starts when:
 - An AOC which includes groundwater monitoring is signed by the PRPs and the designated Regional official; or
 - PRPs provide notice of intent to comply with a UAO which includes groundwater monitoring
- **PRP-financed under State enforcement (PS-lead actions)** - PRP-financed groundwater monitoring under State enforcement starts when a State order or comparable State enforcement document is signed by the last State official.

Changes in Definition FY 98 - FY 99/00:

Expanded definitions for PRP-financed action under state enforcement.

Special Planning/Reporting Requirements:

Fund, PRP with enforcement instrument, and PRP voluntary removal starts, RAs, limited remedial actions, and groundwater monitoring (post-ROD) starts will be tracked separately for management purposes. The date of RA on-site construction (Action Name = Remedial Action and SubAction Name = RA On-site Construction) will be used for purposes of establishing the Statute of Limitation (SOL) determination. This is a GPRA target/annual performance goal.

OPERATIONAL AND FUNCTIONAL (O&F)

THE FOLLOWING DEFINITION IS UNDER REVIEW.

Definition:

O&F activities are conducted after physical construction of the remedy is complete to ensure that it is functioning properly and operating as designed. The NCP provides for a maximum timeframe of one year for performing O&F activities, though EPA may extend the one-year period, as appropriate.

Definition of Accomplishment:

O&F starts (Actual Start) occurs after the State/EPA conduct a joint inspection and concur, through a joint memorandum, that the O&F period can occur.

O&F is complete either one year after the construction of the remedy is complete, or when the remedy is determined concurrently by EPA and the State to be functioning properly and performing as designed, whichever is earlier. The date is documented in the RA Report. If the remedy requires LTRA, the completion of O&F is documented in the interim RA Report.

Changes in Definition FY 98 - FY 99/00:

The O&F Start was changed to reflect the NCP language. The O&F Completion definition was expanded to include LTRA.

Special Planning/Reporting Requirements:

The start (Actual Start) and completion (Actual Complete) of O&F (Action Name = Operational and Functional) are reported site specifically in WasteLAN. This is a program measure.

LONG-TERM RESPONSE ACTION (LTRA)

THE FOLLOWING DEFINITION IS UNDER REVIEW.

Definition:

LTRAs are response actions undertaken for the purpose of restoring ground or surface water quality. These actions require a continuous period of on-site activity before cleanup levels, specified in the ROD or Action Memorandum, are achieved.

The operation of treatment facilities or other measures to restore contaminated ground- or surface- water quality to a level that assures protection of human health and the environment for a period up to 10 years after completion of the operational and functional period (see definition of O&F) will be considered part of RA. Monitored natural attenuation is considered a LTRA.

Activities required to maintain the effectiveness of such treatment or measures following the 10-year period shall be considered O&M. Ground- or surface- water measures initiated for the primary purpose of providing drinking water, not for the purpose of restoring ground- or surface- water shall not be considered LTRA.

Definition of Accomplishment:

LTRA (Action Name = Long Term Response or PRP LR) begins (Actual Start Date) when the O&F period is complete (See definition of O&F). LTRA is complete (Actual Complete Date) 10 years after it begins or when performance goals are reached as documented by EPA acceptance of the final RA Report.

If the only action being conducted at the site or operable unit is Monitored Natural Attenuation, LTRA begins (Actual Start Date) when the ROD is signed. LTRA is complete (Actual Complete Date) when the Final Close Out Report is signed by the Region.

If LTRA is the only remedy implemented at the site or operable unit (i.e., a RA was not performed), LTRA starts (Start Date) when the ROD is signed. LTRA is complete (Actual Complete Date) 10 years after the ROD is signed or when performance goals are reached as documented by EPA acceptance of the final RA Report.

Changes in Definition FY 98 - FY 99/00:

The completion of Monitored Natural Attenuation is defined as the date the Final Superfund Site Close-Out Report is prepared.

Special Planning/Reporting Requirements:

LTRA is planned on a site-specific basis (Action Name = Long-term Response or PRP LR) in WasteLAN and is used for resource allocation purposes only. Funds for LTRA are issued site-specifically in the RA AOA. Funds for oversight of the PRP LTRA are contained in the site characterization AOA. LTRA may not be required at all sites. Where LTRA is not being conducted, Regions should not enter the action into WasteLAN. See Long-Term Action Flow Chart at the end of the Appendix (Exhibit B.2). This is a program measure.

COMPLETION OF A RESPONSE ACTION/ACTIVITY

THE FOLLOWING DEFINITIONS ARE UNDER REVIEW.

Definition:

Removal Actions - Removal actions are responses performed at NPL, non-NPL, or NPL caliber sites that eliminate or reduce threats to public health or the environment from the release, or potential release, of hazardous substances. These risk reduction activities can be conducted as emergency responses, time-critical or NTC removal actions. This measure tracks each removal completion at a site.

Remedial Actions - Remedial actions are cleanup responses intended to achieve the completion of more extensive site remediation at NPL sites. This measure tracks each remedial action completion at a site.

Limited Remedial Action - Limited remedial actions result from RODs which select monitored natural attenuation to restore the groundwater and/or institutional controls as the only response actions. Limited actions are distinguished from No Action/No Further Action RODs, such as those where groundwater monitoring is the only response activity selected. Regions should enter monitored natural attenuation and institutional controls as remedial actions (Action Name = Remedial Action or PRP RA) in WasteLAN.

Groundwater Monitoring (Post-ROD) - This measure tracks the completion of groundwater monitoring when the ROD specifies that groundwater monitoring is the **only** activity that will be taken at the site or groundwater monitoring is the **only** activity that will be implemented during an operable unit groundwater cleanup. This measure tracks each groundwater monitoring (post-ROD) completion at a site.

Removal action, remedial action, limited remedial action and groundwater monitoring (post ROD) completions will be tracked separately but accomplishments will be reported on a combined basis.

Definition of Accomplishment:

Removal Actions

- A Fund-financed removal is considered complete when the actions specified in the Action Memorandum are met, **OR** when a ROD is signed which encompasses the actions specified in the Action Memorandum, (the ROD actual complete date should be the same as the Removal actual complete date) **OR** when the contractor has demobilized and left the site (as documented in the POLREP) and recorded as the removal (Action Name = Removal Action) actual completion date (Actual Complete) in WasteLAN.
- A PRP-financed removal performed by the PRP under the terms of a Federal enforcement instrument, is considered complete when the Region has certified that the PRPs have fully met the terms of an AOC, UAO, CD,

or judgment and **EITHER** have completed the actions specified in the Action Memorandum (as documented in the POLREP) and recorded as the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN **OR** a ROD (Action Name = Record of Decision) is signed which encompasses the actions specified in the Action Memorandum (the ROD actual complete date should be the same as the PRP Removal actual complete date).

- A PRP-financed removal performed by the PRPs under the terms of a State enforcement document is considered complete when the State has certified the PRPs have fully met the terms of the instrument **AND EITHER** have completed the actions specified in the Action Memorandum (as documented in the POLREP) and recorded as the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN **OR** a ROD (Action Name = Record of Decision) is signed which encompasses the actions specified in the Action Memorandum (the ROD actual complete date should be the same as the PRP Removal actual complete date).
- A PRP-financed removal performed voluntarily by the PRPs without an enforcement instrument is considered complete when the actions specified in the Action Memorandum are met, **OR** when a ROD is signed which encompasses the actions specified in the Action Memorandum, (the ROD actual complete date should be the same as the PRP Removal actual complete date) **OR** when the contractor has demobilized and left the site (as documented in the POLREP) and recorded as the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN. **[This definition is under review]**

In order to receive credit for a removal completion an endangerment assessment must be performed. This endangerment assessment may be documented in an Action Memo, Removal Action Decision Document or enforcement instrument. Regions must identify which of these actions contain the endangerment assessment and their actual completion date (Actual Complete) into WasteLAN.

For either Fund- or PRP-financed removals, an action qualifier (Qualifier) must be recorded to identify whether the action resulted in the site being "Cleaned Up" or "Stabilized."

Action qualifiers are defined as follows:

- **Cleaned Up:** All threats have been addressed as defined in the Action Memo and the Region determines that it has addressed all threats posed by the site (will not be returning for subsequent response activity). Also, all removal obligations and related work have been completed.
- **Stabilized:** All threats identified in the Action Memo have been addressed and the Region may take additional removal actions as new threats are identified/investigatory information is available. Example: Site is fenced to preclude entry/exit and drums are segregated and overpacked to prevent a release/contamination. Site is stabilized.

Exceptions:

Temporary demobilization and temporary storage on-site are not considered completions, **unless temporary storage is the only action specified in the Action Memorandum** to mitigate threats to public health, welfare, and the environment. Likewise, temporary off-site storage of hazardous substances at a Treatment, Storage, and Disposal (TSD) facility other than the facility of ultimate disposal is a continuation of the action, not a completion, unless temporary off-site storage at a TSD is the only action specified in the Action Memorandum. In addition, a removal would not be considered complete if:

- The Action Memorandum requires the EPA contractor to monitor the hazardous substances stored on-site or additional contractor expenditures are anticipated; or
- Hazardous substances are being stored at an off-site facility, other than the ultimate TSD facility required in the Action Memorandum.

A removal would be considered complete if:

- The scope of work for the action does not specify final off-site disposal of hazardous substances; the substances have been stabilized and are stored on-site due to circumstances such as the unavailability of a final treatment/disposal remedy; and no additional Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal authority funds are anticipated to be expended on this action. In this instance, no CERCLA removal authority funds will be expended for remedial-term site O&M. Any remedial-term site O&M (greater than 6 months) should be performed by the PRP or another agency (e.g., the State); or
- Hazardous substances are being stored off-site at the location of final disposal, and no additional contractor expenditures are anticipated for this action.

Remedial Action - (Fund- or PRP-financed)

These actions are considered complete for each OU when the designated Regional official (Branch Chief or above) signs a letter accepting the RA Report. The date of the acceptance of the RA Report must be entered into WasteLAN as the RA (Action Name = Remedial Action or PRP RA) actual completion date (Actual Complete). The date the RA Report is accepted varies depending on the remedy that was implemented. The following table provides example RAs and indicates when the RA Report would be prepared.

| Completion of RA or Removal Action | |
|--|---|
| Example RAs | RA Complete |
| Excavation and off-site disposal of contamination | After the final inspection |
| Landfill caps or other remedies where Long-Term Response Action (LTRA) is not required | After physical construction is complete and the remedy is Operational and Functional (O&F) (see definition of O&F). |
| Groundwater pump and treat or other remedies where LTRA is required | When the LTRA performance goals/cleanup standards are met. The timeframe for these actions may extend beyond the LTRA 10-year period and into the Operation and Maintenance (O&M) phase before cleanup goals are met and the final RA Report is accepted by EPA. An interim RA Report should be prepared when the construction is complete. |

Limited Remedial Actions (Fund- or PRP-financed)

The following table shows the definition of accomplishment dates:

| Limited Remedial Action | |
|--|---|
| Type of Action/Activity | Completion Definition |
| Institutional Controls | The institutional controls specified in the ROD are in place as documented in the RA Report. |
| Monitored Natural Attenuation to restore the groundwater | Groundwater cleanup goals are met through monitored natural attenuation as documented in the RA Report. |

Groundwater Monitoring (as the only activity taken at the site or groundwater operable unit)

Groundwater monitoring [Action Name = Grndwtr Monitor (Post-ROD)] completion is defined as the date (Actual Complete) EPA determines that groundwater monitoring is no longer necessary. This determination may be included in the Final Superfund Close-Out Report, five-year review report, or memorandum signed by the appropriate Regional official.

Changes in Definition FY 98 - FY 99/00:

Expanded the definition for PRP-financed under State enforcement. The RA Report is prepared after the remedy is O&F at RAs with landfill caps or other remedies where LTRA is not required. Limited Remedial Actions are complete when the institutional controls are in place or groundwater cleanup goals have been met through monitored natural attenuation.

Special Planning/Reporting Requirements:

Removal action, remedial action, limited remedial action and groundwater monitoring (post ROD) completions will be tracked separately but accomplishments will be reported on a combined basis. For removals, an action Qualifier must be recorded to identify whether the removal resulted in the site being "Cleaned Up" or "Stabilized." See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2). This is a GPRA measure.

NPL SITE CONSTRUCTION COMPLETIONS

Definition:

Construction at a NPL site is considered complete when physical construction is complete for the entire site as a result of one or several removal or remedial actions; and a Preliminary or Final Close Out Report has been signed by the Region and recorded at HQ.

Sites that receive credit under this measure will have no further response actions, other than the ongoing "long-term response action" (LTRA) component of the cleanup actions being performed. Regions receive credit for construction completion only once per site.

Accomplishments under this measure will count toward the goal of 900 site construction completions by the end of the year 2001.

Definition of Accomplishment:

The following tables have been provided to more clearly depict coding and accomplishment requirements.

| NPL Site Construction Completion Through Remedial Actions | | |
|--|--|--|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <ul style="list-style-type: none"> Construction activities at all OUs are complete; or Institutional controls specified in the final Limited Remedial Action ROD are in place <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> A Preliminary Site Close-Out Report (PCOR)* has been prepared and signed by the designated Regional official; or A Final Site Close-Out Report has been prepared and signed by the designated Regional official; <p>AND</p> <ul style="list-style-type: none"> HQ has received appropriate documentation of construction completion** | <p>Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report</p> | <p>Region: The completion date of the report must be entered into WasteLAN as the actual completion date (Actual Complete) of the Preliminary Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and SubAction Name = Prelim Close-Out Rep Prepared], or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and SubAction Name = Close Out Report]</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and construction completion date into WasteLAN.**</p> |
| <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report . Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be dated effective the first work day of the new fiscal year.</p> | | |

| NPL Site Construction Completion as a result of No Action/Groundwater Monitoring RODs | | |
|---|--|---|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <p>ROD is signed for the final Operable Unit (OU) with no previous RAs stating that no physical construction is required or the only activity performed is groundwater monitoring and a Preliminary* or Final Superfund Site Close-Out Report is prepared and signed by the designated Regional official.</p> <p style="text-align: center;">AND</p> <p>HQ has received appropriate documentation of construction completion**</p> | <p>Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report.</p> | <p>Region: Regions enter the following into WasteLAN: The completion date of the close-out report is the actual completion date (Actual Complete) of the PCOR (Action Name = Record of Decision and SubAction Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and SubAction Name = Close Out Report).</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and construction completion date into WasteLAN.**</p> |
| <p>NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be dated effective the first work day of the new fiscal year.</p> | | |

| NPL Site Construction Completion as a result of No Further Action/Groundwater Monitoring RODs | | |
|---|--|--|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <p>ROD is signed for the final OU stating that all physical construction is complete or the only activity performed is groundwater monitoring and a Preliminary* or Final Superfund Site Close-Out Report is prepared and signed by the designated Regional official.</p> <p style="text-align: center;">AND</p> <p>HQ has received appropriate documentation of construction completion**</p> | <p>Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report.</p> | <p>Region: The completion date of the close-out report is the actual completion date (Actual Complete) of the PCOR (Action Name = Record of Decision and SubAction Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and SubAction Name = Close Out Report).</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and construction completion date into WasteLAN.**</p> |
| <p>NOTE: The region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be dated effective the first work day of the new fiscal year.</p> | | |

| NPL Site Construction Completion through Limited Remedial Actions - Monitored Natural Attenuation | | |
|---|--|--|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <p>Groundwater cleanup goals are met through monitored natural attenuation and a Preliminary* or Final Superfund Site Close-Out Report is prepared and signed by the designated Regional official.</p> <p style="text-align: center;">AND</p> <p>HQ has received appropriate documentation of construction completion**</p> | <p>Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report.</p> | <p>Region: The completion date of the close-out report is the actual completion date (Actual Complete) of the PCOR (Action Name = Remedial Action or PRP RA and SubAction Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Remedial Action or PRP RA and SubAction Name = Close Out Report).</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and construction completion date into WasteLAN.**</p> |
| <p>NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be dated effective the first work day of the new fiscal year.</p> | | |

| NPL Site Construction Completion through Removal Action | | |
|--|--|---|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <p>Fund-Financed: Contractor demobilized (recorded in POLREP)</p> <p>PRP-Financed: Region certifies that PRPs or their contractor have completed the removal specified in the Action Memorandum and fully met the terms of the AO, CD or judgment</p> <p>Both Fund- and PRP-Financed: A Preliminary * or Final Superfund Site Close-Out Report has been prepared and signed by the designated Regional official</p> <p style="text-align: center;">AND</p> <p>HQ has received appropriate documentation of construction completion**</p> | <p>Region: Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report</p> | <p>Region: The Region enters the following into WasteLAN: The removal (Action Name = Removal Action or PRP Removal) actual completion date (Actual Complete) as reported in the POLREP; and the Qualifier that indicates that the site is Cleaned Up; and the actual completion date (Actual Complete) of the PCOR (Action Name = Removal or PRP Removal and SubAction Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Removal Action or PRP Removal and SubAction Name = Close Out Report);</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and construction completion date into WasteLAN.**</p> |
| <p>NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be dated effective the first work day of the new fiscal year.</p> | | |

Changes in Definition FY 98 - FY 99/00:

Added a NOTE emphasizing that the Region must prepare a Preliminary or Final Superfund Site Close Out Report to receive credit for a construction completion.

Special Planning/Reporting Requirements:

Regions will not receive credit for a NPL Site Construction Completion until the actual completion date of the Preliminary or Final Superfund Site Close-Out Report is entered into WasteLAN and the necessary documentation is submitted to HQ, and HQ enters the construction completion indicator into WasteLAN. Accomplishments under this measure will count toward the goal of 900 NPL Construction Completions by the end of the year 2001. Regions identify sites to meet the goal prior to the start of the FY. **There is only one NPL construction completion at a site.** Regions may receive credit under this measure and the NPL Site Completion measure as a result of the same remedial action or removal action. This is a GPRA target/annual performance goal.

OPERATION AND MAINTENANCE (O&M)

THE FOLLOWING DEFINITION IS UNDER REVIEW.

Definition:

O&M are the activities required to maintain the effectiveness or the integrity of the remedy, and, in the case of measures to restore ground- or surface- waters, continued operation of such measures beyond the LTRA period until remediation levels are achieved. Except for ground- or surface- water restoration actions covered under Section 300.435(f)(4) of the NCP, O&M measures are initiated after the remedy has achieved the remedial action objectives and remediation goals in the ROD, and is determined to be O&F (see definition of O&F).

Depending on the remedy that was implemented at the site/OU, O&M may not be required, may only be required for a defined timeframe, or may be required to be performed indefinitely. Examples of sites/OU's where O&M may have an indefinite period of performance include sites where waste is contained on-site and the integrity of the cap must be maintained; or sites where groundwater monitoring is either the only activity, a component of the selected remedy, or is required after completion of LTRA; or sites where institutional controls must be maintained. In some instances, O&M may be complete when the ground- or surface- water restoration goals are met. The State or PRP is totally responsible for O&M.

Definition of Accomplishment:

O&M [Action Name = Operations and Maintenance] starts when the State or PRPs assume responsibility for all activities necessary to operate and/or maintain the long-term effectiveness or integrity of the actions selected in the ROD.

For OUs that do not require LTRA, O&M starts on the date (Actual Start) the designated Regional official accepts the RA Report. For OUs where LTRA is required, O&M (Action Name = Operation and Maintenance) begins when LTRA is complete [see Definition of Long-Term Response Action (LTRA)]. For OUs where institutional controls must be maintained, O&M starts when all controls required by the ROD are in place. Copies of the institutional controls must be placed in the Administrative Record.

Where appropriate, the completion of O&M is defined as the date (Actual Complete) specified in the Cooperative Agreement that provides funds for the RA, Superfund State Contract (SSC), or CD signed by EPA, the PRPs and Federal judge. If O&M must be conducted indefinitely, Regions should not enter an actual completion date.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

O&M is planned site-specifically (Action Name = Operation and Maintenance) in WasteLAN and is used for resource allocation purposes only. Funds for oversight of O&M are contained in the site characterization AOA. If O&M is not required, Regions should not enter the action into WasteLAN. Where O&M must be conducted indefinitely, Regions should not enter a planned or actual completion date for the O&M action. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2). This is a program measure.

NPL SITE COMPLETIONS**Definition:**

An NPL site is completed when:

- Performance goals are reached as a result of one or several remedial actions, including LTRA. Performance goals may be met at the completion of the removal or RA, at the completion of LTRA, or at the completion of O&M, where O&M is necessary for completion of ground- or surface-water remediation post-LTRA; or
- A determination is made that the site is available for industrial, residential or recreation use; **and/or**
- A Final Superfund Site Close Out Report has been signed by the Regional Administrator

Definition of Accomplishment:

The following tables have been provided to more clearly depict coding and accomplishment requirements:

| NPL Site Completions Through Remedial Action or Long Term Remedial Action | | |
|--|--|--|
| Definition of Accomplishment | Actual Completion Date | CERCLIS Data Entry Requirements |
| <ul style="list-style-type: none"> • Construction activities at all OUs are complete; and • Performance goals at all OUs have been met, including the groundwater restoration goals associated with monitored natural attenuation or ground- or surface-water restoration goals associated with LTRA and, if necessary, O&M; and • Institutional controls specified in ROD(s) are in place; and • A Final Superfund Site Close-Out Report has been signed by the Regional Administrator. | Date the Regional Administrator signs the Final Superfund Site Close-Out Report. | The completion date (Actual Complete) of the Final Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA or Long-Term Response or PRP LR and SubAction Name = Close Out Report] |
| NOTE: The Final Superfund Site Close-Out Report documents that the cleanup goals have been achieved and no further response actions are necessary, including LTRA and O&M activities to restore ground- or surface-water quality. | | |

| NPL Site Completions As a Result of the Site Being Available for Reuse | | |
|--|---|--|
| Definition of Accomplishment | Actual Completion Date | CERCLIS Data Entry Requirements |
| <ul style="list-style-type: none"> Construction activities at all OUs are complete; and A Preliminary Superfund Site Close-Out Report has been prepared and signed by the designated Regional official; and The Region has determined that the site is available for reuse. | <p>Memo to the file or other document that provides the determination that the site may be used for industrial, residential or recreational purposes.</p> | <p>The actual completion date (Actual Complete) of the determination that the site is available for reuse (Action Name = Land Reuse Determination)</p> |

Changes in Definition FY 98 - FY 99/00:

Combined all Remedial Actions including Limited Remedial Actions into one table. Deleted RODs that documented Site Completion and No Action RODs. Only Remedial Actions can be used to document an NPL Site Completion.

Special Planning/Reporting Requirements:

See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2). Regions may receive credit under this measure and the NPL Site Construction Completion measure, as a result of the same remedial action.. **There is only one site completion at a site.** This is a GPRA measure.

FIVE-YEAR REVIEWS

Definition:

Five-year reviews are intended to evaluate whether the response action implemented at a NPL site remains protective of public health and the environment, is functioning as designed, and necessary operation and maintenance is being performed. Every five years, EPA will review any site at which a remedy, upon attainment of the ROD or Action Memorandum cleanup levels, will not allow unlimited use and unrestricted exposure. Five-year reviews generally involve a site visit or documentation of conditions noted through ongoing presence at the site.

EPA is responsible for conducting five-year reviews at all sites where required. Consistent with relevant settlement agreements, a lead agency may authorize PRPs to visit sites for five-year review purposes and to conduct studies and investigations for EPA. Five-year reviews are conducted on an OU basis until the site reaches construction completion. After that time, five-year reviews are conducted on a site-wide basis.

Definition of Accomplishment:

Five-Year Review Starts - Credit is given for a five-year review start when:

- Fund-financed (F-, TR-, S- or EP-lead actions)** - EPA or the State begins any of the tasks discussed in the five-year review guidance, "Structure and Components of Five-Year Reviews," OSWER Directive 9355.7-02 (May 23, 1991) or its first supplement, OSWER Directive 9355.7-02A (July 24, 1994). This action may be documented by a memo to the file or EPA approval of a workplan for the five-year review.

- **PRP-financed (MR-, RP- or PS-lead actions)** - EPA approves the five-year review workplan submitted by the PRPs under the terms of a settlement agreement.

The actual start date (Actual Start) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into WasteLAN.

Five-Year Review Completions

The five-year review is complete on the date the designated Regional Official signs the five year review report stating whether the remedy is, or is not, protective of human health and the environment. The actual completion date (Actual Complete) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

Five-year reviews are conducted on an OU basis until the site reaches construction completion.

Special Planning/Reporting Requirements:

Five-year review starts and completes must be planned and reported site-specifically (Action Name = Five-Year Remedy Assessment) in WasteLAN. Funds are allocated in the RA AOA. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2). This is a program measure.

PARTIAL NPL DELETION

Definition:

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site (e.g., groundwater), depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare, or the environment, thereby eliminating the need for remedial action.

Partial deletion should only be used when the deletion does not address the remaining release listed on the NPL. If a deletion does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion, discussed below.

Definition of Accomplishment:

The partial NPL deletion process (Action Name = Partial Deletion from NPL) starts (Actual Start) when a Notice of Intent to Partially Delete is published in the *Federal Register* for the specified portion of a site on the NPL.

The partial NPL deletion process (Action Name = Partial Deletion from NPL) is complete (Actual Complete) when the Notice of Partial Deletion is published in the *Federal Register* for the specified portion of a site on the NPL.

HQ will enter the Partial Deletion from the NPL Action and the actual start and completion dates into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

HQ is responsible for entering partial deletion starts and completions into WasteLAN.

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions. Partial site NPL deletions will be entered by HQ if a portion, or portions of the release remain listed on the NPL following completion of the partial deletion. When the Notice of Partial Deletion is published, HQ will change the NPL Status to "Partially Deleted from NPL".

A site deletion (Action Name = Final Deletion from NPL) will be entered by HQ if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion activity for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). This is a program measure.

FINAL NPL DELETION**Definition:**

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare, or the environment, thereby eliminating the need for remedial action.

EPA will consider deleting the entire site or portions of sites from the NPL, as appropriate. EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portions may be a defined geological unit of the site, or may be a specific medium at the site. If a decision does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion. State concurrence will be required for any deletion.

Definition of Accomplishment:

The deletion process for the entire site [Action Name = Final Deletion from the NPL] starts (Actual Start) when a Notice of Intent to Delete is published in the *Federal Register*.

The deletion process for the entire site [Action Name = Final Deletion from the NPL] is complete (Actual Complete) when the Notice of Deletion is published in the *Federal Register*.

HQ will enter the Final Deletion from the NPL Action and the actual start and completion dates into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

HQ is responsible for entering final deletion starts and completions into WasteLAN.

Special Planning/Reporting Requirements:

An entire site deletion action (Action Name = Final Deletion from NPL) will be entered by HQ if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion event for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). When the Notice of Deletion is published, HQ will change the NPL Status in CERCLIS to "Deleted from Final NPL." This is a program measure.

NON-NPL SITE COMPLETION

Definition:

A non-NPL site is complete as a result of a completed removal action that has mitigated all threats and cleaned up the site and no further site assessment work or remedial actions are required or planned.

Definition of Accomplishment:

Fund-financed (F-, TR-, S- or CG-lead actions) - The actions specified in the Action Memorandum are met, **OR** the contractor has demobilized and left the site (as documented in the POLREP) and recorded the removal (Action Name = Removal Action) actual completion date (Actual Complete) in WasteLAN.

PRP-financed under Federal enforcement (MR- and RP- lead actions) - The Region has certified that the PRPs have fully met the terms of an AOC, UAO, CD, or judgment and have completed the actions specified in the Action Memorandum (as documented in the POLREP) and recorded the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN.

PRP-financed under State enforcement (PS-lead actions) - The state has certified the PRPs have fully met the terms of the instrument and have completed the actions specified in the Action Memorandum (as documented in the POLREP) and recorded the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN.

PRP-financed (RP-lead) voluntary actions (no enforcement instrument exists) - The actions specified in the Action Memorandum are met **OR** the contractor has demobilized and left the site (as documented in the POLREP) and recorded the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN.
[This definition is under review.]

For either Fund- or PRP-financed removals, an action qualifier (Qualifier) of "Cleaned Up" must be recorded to identify all threats have been addressed as defined in the Action Memo and the Region has determined that it has addressed all threats posed by the site (will not be returning for subsequent response activity). Also, all removal obligations and related work have been completed.

Under a Non-NPL Site Completion, the latest site assessment action (PA, SI, ESI or ESI/RI) must have a qualifier of "No further remedial action planned (N)" or "Referred to Removal (W)". The completion date of the site assessment action should be the same as or after the removal completion date.

A Non-NPL Site Completion requires a memo to the site file signed by both the removal and site assessment programs.

Changes in Definition FY 98 - FY 99/00:

This is a new activity in the FY 99/00 SPIM.

Special Planning/Reporting Requirements:

The removal must have a qualifier of "Cleaned Up" (C). Under a Non-NPL Site Completion, the latest site assessment action (PA, SI, ESI or ESI/RI) must have a qualifier of "No further remedial action planned (N)" or "Referred to Removal (W)". The completion date of the site assessment action should be the same as or after the removal completion date. This is a GPRA measure.

INDICATOR A • POPULATIONS PROTECTED

Definition:

This measure tracks the environmental progress achieved at NPL, NPL-caliber and non-NPL sites through the completion of removal actions taken to prevent human exposure to contaminated materials. The following will be reported under this measure:

- Total number of sites where a removal was conducted, and
- The number of people and receptors protected during removals that provide for:
 - Implementation of site security measure;
 - Relocation of affected populations; or
 - Provision of an alternate water supply.

Definition of Accomplishment:

A removal action (Action Name = Removal or PRP Removal) is complete (Actual Completion) when the actions specified in the Action Memo are met or when a ROD is signed which encompasses the actions specified in the Action Memo (see Completion of Response Actions). The response actions taken, and number of people and receptors protected, should be documented in the file, in a POLREP or in the OSC's after action report.

A remedial action (Action Name = Remedial Action or PRP RA) is complete (Actual Completion) for each OU when the designated Regional official (Branch Chief or above) signs a letter accepting the RA Report.

The following table identifies the medium-specific information that must be entered into WasteLAN for each category of protection provided:

| <i>Site Security Measures Implemented</i> | <i>Population Relocated</i> | <i>Alternate Water Supply Provided</i> |
|---|---|--|
| Media Type (groundwater, soil, sediment, surface water, air, liquid waste, solid waste, leachate, debris, residuals, or other) | Media Type (groundwater, soil, sediment, surface water, air, liquid waste, solid waste, leachate, debris, residuals, or other) | Media Type (groundwater, surface water) |
| Media Name | Media Name | Media Name |
| Site Security/Institutional Control Response Actions Selected [Access Restriction, Access Restriction - Guards, Access Restriction - Fencing, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls (N.O.S.), Land Use Restrictions, Swimming Restrictions and Water Supply Use Restrictions] | Population Relocated Response Actions Selected [Population Relocation - Temporary, Population - Relocation Returned, Population Relocation - Permanent, Population Relocation (N.O.S.)] | Alternative Water Supply Response Actions Selected [Alternative Drinking Water (N.O.S.), Alternative Drinking Water - Temporary Replacement, Alternative Drinking Water - Supply Reinstated, Alternative Drinking Water - Permanent Replacement] |
| The predominant receptor type protected (Receptors = Recreational, Residential, Industrial, Agricultural (Residential), Agricultural (Industrial), Other, Not Documented, Commercial, Trespassing, Hospital, or School) | The predominant receptor type protected (Receptors = Recreational, Residential, Industrial, Agricultural (Residential), Agricultural (Industrial), Other, Not Documented, Commercial, Trespassing, Hospital, or School) | The predominant receptor type protected (Receptors = Recreational, Residential, Industrial, Agricultural (Residential), Agricultural (Industrial), Other, Not Documented, Commercial, Trespassing, Hospital, or School) |
| Population Protected (number) | Population Protected (number) | Population Protected (number) |

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The WasteLAN data may be entered using the Smart Screen for the Action Memo. This is a GPRA measure.

**INDICATOR B • PROGRESS THROUGH ENVIRONMENTAL INDICATORS
(ACHIEVING PERMANENT CLEANUP GOALS)**

Definition:

This measure tracks environmental progress at NPL, NPL-caliber and non-NPL sites by categorizing the cleanup goals attained for each medium addressed by a removal action or remedial action. Cleanup goals are established in the ROD or Action Memo.

Goal attainments categories are defined as follows:

- **Fully achieved** - All goals established in the ROD or Action Memo for a specific medium have been achieved through one or more cleanup actions and no further cleanup activities are anticipated for that medium. Sites that have achieved this goal for a specific medium may be candidates for partial NPL deletion (see Partial NPL Deletion definition);
- **Partially achieved** - One or more cleanup actions that address a specific medium have been completed and one or more of the cleanup goals established in the ROD or Action Memo for a specific medium have been achieved;
- **Underway** - At least one cleanup action to address a specific medium has been initiated; or
- **Media affected** - A medium has been affected at a site, but cleanup actions have not been initiated.

Definition of Accomplishment:

Fully Achieved and Partially Achieved - A removal action or a remedial action has been completed as defined in "Completion of Response Actions." Regions must document in the RA Report, final POLREP or in a memo to the file the cleanup goals that have been achieved for a specific medium.

Underway - A removal or remedial action has started as defined in "Start of Response Actions/Activities." Regions must document in a POLREP, memo to the file or other documentation that work has begun on-site to address a specific medium.

Media Affected - A ROD that identifies permanent cleanup goals for a specific medium has been signed (as defined in Decision Documents Signed) or a removal was completed as defined in "Completion of Response Actions" that partially cleaned up or stabilized a medium or site. Regions must document in the ROD, POLREP or memo to the file the specific medium that is affected.

The following information must be entered into WasteLAN for each medium addressed by a planned, ongoing or completed response action:

- Media Name;
- Media Type (groundwater, soil, sediment, surface water, air, liquid waste, solid waste, leachate, debris, residuals, or other);
- Goal Attainment (fully achieved, partially achieved, cleanup underway, or medium affected);

- Goal Description, including an identification of whether the goal is based on human health standards, ecological standards or both; and
- Threat Addressed (direct contact threat was addressed, direct contact threat remains, or direct contact threat does not exist).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning and Reporting Requirements:

See Definition of Accomplishment. The EI data are entered into WasteLAN by selecting Views, Remedy Selection or Removal, and Site Characterization. On the Site Characterization screen, select Options and Add/Edit EI Data. This is a GPRA measure.

INDICATOR C • TECHNOLOGIES USED AND VOLUMES HANDLED AT NPL AND NON-NPL SITES**Definition:**

This measure tracks the technologies selected and the volume of hazardous waste handled during each removal action or remedial action conducted at a NPL or non-NPL site.

Definition of Accomplishment:

A removal action or a remedial action has been completed as defined in "Completion of a Response Action/Activity." Regions must document in the RA Report or final POLREP the technologies that were implemented and the volume of hazardous waste handled.

The following information must be entered into WasteLAN for each medium addressed by the completed response action:

- Media Name;
- Media Type (groundwater, soil, sediment, surface water, air, liquid waste, solid waste, leachate, debris, residuals, or other);
- Response Actions Selected; and
- Volume High/Volume Low and Units.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning and Reporting Requirements:

See Definition of Accomplishment. The technologies selected and the volume of hazardous materials addressed through a removal action can be entered into WasteLAN through the Removal Screen or the EI screen (Views, Remedy Selection or Removal, Site Characterization, Options, Add/Edit EI). The technologies selected and the volume of hazardous materials addressed through a removal action or RA can be entered into WasteLAN through the ROD Screen or EI screen (Views, Remedy Selection, Site Characterization, Options, Add/Edit EI). This is a GPRA measure.

THESE FLOWCHARTS ARE UNDER REVIEW

EXHIBIT B.2 LONG TERM ACTION FLOWCHARTS

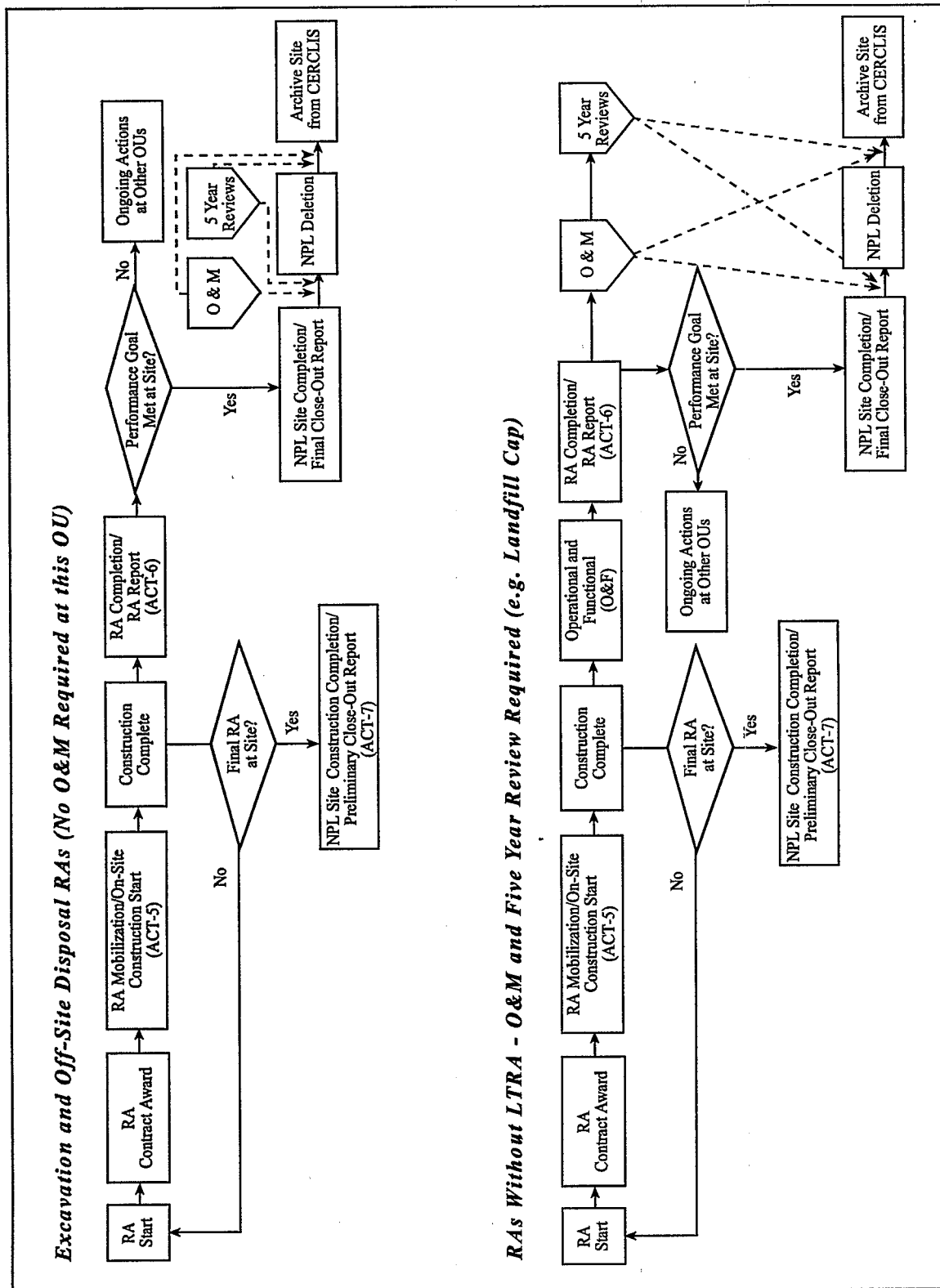
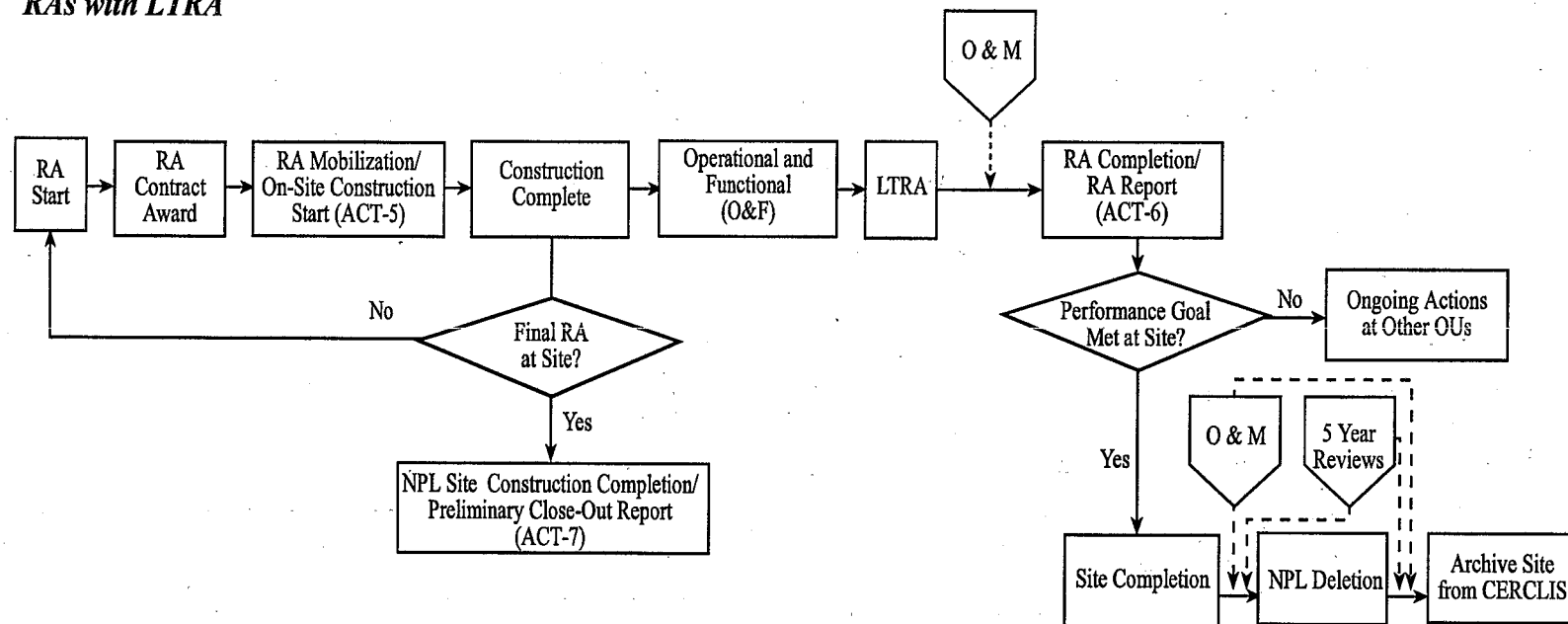


EXHIBIT B.2
LONG TERM ACTION FLOWCHARTS - continued

RAs with LTRA



THESE FLOWCHARTS ARE UNDER REVIEW

OSWER Directive 9200.3-14-1E

EXHIBIT B.3 (1 of 7)
RESPONSE ACTION PLANNING REQUIREMENTS

| Planning Requirements | Engineering Eval./Cost Analysis | Support Agency Assistance | Technical Assistance | Remedial Investigation Starts |
|--|---------------------------------|------------------------------|-----------------------------|-------------------------------|
| GPRA Target/Annual Perf. Goal | - | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically | Yes | Not Required | Not Required | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Operable Unit | Operable Unit |
| Reported Site-Specifically or in Non-site Specific Portion of CERCLIS? | Site-Specific | Not Required | Not Required | Site Specific |
| AOA Category, if Fund-Financed? | Site Characterization | Site Characterization | Site Characterization | Site Characterization |
| AOA Category for Oversight? | Site Characterization | Enforcement Federal Facility | Enforcement | Site Characterization |
| Basis for AOA? | Site-Specific Plans | Site- or Non-Specific Plans | Site- or Non-Specific Plans | Site-Specific Plans |

EXHIBIT B.3 (2 of 7)
RESPONSE ACTION PLANNING REQUIREMENTS

| Planning Requirements | Feasibility Study Starts | Combined RI/FS Starts | Treatability Studies |
|--|--------------------------|-----------------------|----------------------|
| GPRA Target/Annual Perf. Goal | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | Yes | Not Required |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in Non-site Specific Portion of CERCLIS? | Site-Specific | Site-Specific | Not Required |
| AOA Category, if Fund-Financed? | Site Characterization | Site Characterization | N/A |
| AOA Category for Oversight? | Site Characterization | Site Characterization | N/A |
| Basis for AOA? | Site-Specific Plans | Site-Specific Plans | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT B.3 (3 of 7)
RESPONSE ACTION PLANNING REQUIREMENTS

| Planning Requirements | Start of Public Comment Period | RI/FS Duration | Decision Document Signed | ROD Amends. and ESDs |
|---|--------------------------------|----------------|--------------------------|----------------------|
| GPRA Target/Annual Performance Goal | - | - | - | - |
| GPRA or Program Measure? | Program Measure | GPRA Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | No | Yes | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in Non-site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | N/A | N/A | N/A | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A |
| Basis for AOA? | N/A | N/A | N/A | N/A |

EXHIBIT B.3 (4 of 7)
RESPONSE ACTION PLANNING REQUIREMENTS

| Planning Requirements | Pre-Design Assistance | RD Start | RD Completion | RA Start |
|---|-----------------------|-----------------------|-----------------|-----------------------|
| GPRA Target/Annual Performance Goal | - | - | - | GPRA Target |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | - |
| Planned Site-Specifically? | Not Required | Yes | Yes | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in Non-site Specific Portion of WasteLAN? | Not Required | Site-Specific | Site Specific | Site Specific |
| AOA Category, if Fund-Financed? | N/A | Site Characterization | N/A | Remedial Action |
| AOA Category for Oversight? | N/A | Site Characterization | N/A | Site Characterization |
| Basis for AOA? | N/A | Site-Specific Plans | N/A | Site-Specific Plans |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT B.3 (5 of 7)
RESPONSE ACTION PLANNING REQUIREMENTS

| Planning Requirements | RA Contract Award | Start of Response Action/Activity | O & F |
|---|-------------------|-----------------------------------|---------------------|
| GPRA Target/Annual Performance Goal | - | GPRA Target | - |
| GPRA or Program Measure? | Program Measure | - | Program Measure |
| Planned Site-Specifically? | Yes | Yes | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in Non-site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | N/A | Removal or Remedial Action | Remedial Action |
| AOA Category for Oversight? | N/A | Site Characterization | N/A |
| Basis for AOA? | N/A | Site- or Non-Site Specific Plans | Site-Specific Plans |

EXHIBIT B.3 (6 of 7)
RESPONSE ACTION PLANNING REQUIREMENTS

| Planning Requirements | LTRA | Completion of a Response Action/Activity | NPL Site Construction Completion | O & M |
|---|-----------------------|--|----------------------------------|--|
| GPRA Target/Annual Performance Goal | - | - | GPRA Target | - |
| GPRA or Program Measure? | Program Measure | GPRA Measure | - | Program Measure |
| Planned Site-Specifically? | Yes | Yes | Yes | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Whole Site | Operable Unit |
| Reported Site-Specifically or in Non-site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Remedial Action | N/A | N/A | N/A |
| AOA Category for Oversight? | Site Characterization | N/A | N/A | Site Characterization Federal Facility |
| Basis for AOA? | Site-Specific Plans | N/A | N/A | Site-Specific Plans |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis

EXHIBIT B.3 (7 of 7)
RESPONSE ACTION PLANNING REQUIREMENTS

| Planning Requirements | NPL Site Completions | Five-Year Review Start | Five-Year Review Completion | Partial NPL Deletion | Final NPL Deletion | Non-NPL Site Completions |
|---|----------------------|----------------------------------|-----------------------------|-------------------------------|---------------------|--------------------------|
| GPRA Target/Annual Performance Goal | - | - | - | - | - | - |
| GPRA or Program Measure? | GPRA Measure | Program Measure | Program Measure | Program Measure | Program Measure | GPRA Measure |
| Planned Site-Specifically? | Yes | Yes | Yes | Yes | Yes | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Portion of Site as identified | Whole Site | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | N/A | Remedial Action | N/A | N/A | Other Response | N/A |
| AOA Category for Oversight? | N/A | Remedial Action Federal Facility | N/A | N/A | N/A | N/A |
| Basis for AOA? | N/A | Site-Specific Plans | N/A | N/A | Site-Specific Plans | N/A |

| Planning Requirements | Indicators A-C |
|---|-----------------------------|
| GPRA Target/Annual Performance Goal | - |
| GPRA or Program Measure? | GPRA Measure |
| Planned Site-Specifically? | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site or Operable Unit |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific |
| AOA Category, if Fund-Financed? | N/A |
| AOA Category for Oversight? | N/A |
| Basis for AOA? | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

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Superfund/Oil Program Implementation Manual FY 99/00

Appendix C: Enforcement

July 1, 1998

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Appendix C Enforcement

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Appendix C
Enforcement

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APPENDIX C

FY 99/00 TARGETS AND MEASURES FOR ENFORCEMENT

OVERVIEW

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the progress each Region is making towards achieving the Government Performance and Results Act (GPRA) targets and annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, targets (GPRA targets/annual performance goals) and measures (GPRA and program measures) are defined as follows:

- **GPRA Targets/Annual Performance Goals** are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices. They are numerical goals that are established nationally prior to the start of the operating year; for example, 136 construction completions at Superfund National Priorities List (NPL) sites in FY 99.
- **Measures** are activities deemed essential to tracking overall program progress. There are two types of measures: GPRA measures and program measures. GPRA measures simply track the number of actions that occur through the year (accomplishments) and are used to evaluate program progress; for example, the number of agreements negotiated with States and Tribes. Program measures are used to project the number of actions that each Region expects to perform during the year using anticipated resources; for example, the number of sites where EPA settled based on ability-to-pay determinations.

This appendix includes the enforcement Measures of Success that were devised by HQ in consultation with the Regions to address Enforcement reforms. These measures, which can be found following the description of the targets/internal measures for the baseline enforcement program, have been developed to respond to an increasing demand for information that is not currently tracked or reported. By supplementing the baseline targets and measures with these Measures of Success, the program hopes to produce a more complete picture of enforcement-related successes and accomplishments at Superfund sites.

In addition to the measures in this manual, the Regions should continue to provide information in WasteLAN regarding Potentially Responsible Parties (PRPs) as requested in OSWER directive 9200.3-14-1A and Compliance Monitoring as requested in OSWER directive 9872.50.

**EXHIBIT C.1
ENFORCEMENT ACTIVITIES**

| ACTIVITY | GPRA TARGET/ ANNUAL PERFORMANCE GOAL | MEASURE | |
|--|---|---------|---------|
| | | GPRA | PROGRAM |
| ACTIVITIES FOR BASELINE ENFORCEMENT | | | |
| Potentially Responsible Party (PRP) Search Starts | | | ✓ |
| PRP Search Completions | | | ✓ |
| Section 104(e) Letters Issued | | | ✓ |
| Receipt of Responses for Section 104(e) Letters Issued | | | ✓ |
| Section 104(e) Referrals and Orders Issued | | | ✓ |
| Issuance of General Notice Letters (GNLs) | | | ✓ |
| Issuance of Special Notice Letters (SNLs) | | | ✓ |
| Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS) Negotiation Starts | | | ✓ |
| Remedial Design/Remedial Action (RD/RA) Negotiation Starts | | ✓ | |
| Completion or Termination of Negotiations for RD/RA [formerly known as RD/RA Negotiation Completions] | | ✓ | |
| Completion or Termination of Negotiations for Cleanup (RD/RA, Removals, and Other) [formerly known as Cleanup Negotiation Completions] | | | T |
| State Order for ESI/RI/FS | | | ✓ |
| State Consent Decree for RD/RA | | | ✓ |
| Total Response Commitments (Including Dollar Value) [formerly known as Total Response Settlements (Including Dollar Value)] | ✓ | | |
| De Minimis Settlements and Number of Parties | ✓ | | |
| Cash Out Settlements | | | ✓ |
| Section 106, 106/107, 107 Case Resolution | | | ✓ |
| Administrative Record for Selection of Response Action | | | ✓ |
| Issuance of Demand Letter | | | ✓ |
| Total Cost Recovery Settlements (Including Dollar Value) | | | ✓ |

EXHIBIT C.1
ENFORCEMENT ACTIVITIES (cont'd)

| ACTIVITY | GPRA TARGET/ ANNUAL PERFORMANCE GOAL | MEASURE | |
|---|---|---------|---------|
| | | GPRA | PROGRAM |
| Past Costs Addressed \geq \$200,000 Via Settlements, Write-Offs, or Referrals [formerly known as Past Costs Addressed \geq \$200,000] | ✓ | | |
| Recoverable Past Costs That Have Been Addressed by Program to Date Via Settlements, Write-Offs, or Referrals [formerly known as Recoverable Past Costs That Have Been Addressed Program to Date] | | | ✓ |
| Number and Amount of CERCLA Penalties Assessed | | | ✓ |
| Number and Amount of CERCLA Supplemental Environmental Projects (SEPs) | | | ✓ |
| Compliance Monitoring: Noncompliance with Active Enforcement Instrument for Response and Enforcement Action Taken [formerly known as Noncompliance with Consent Decrees, Administrative Orders on Consent, and Unilateral Administrative Orders AND formerly known as Noncompliance with Consent Decrees, Administrative Orders on Consent, and Unilateral Administrative Orders That Have Been Addressed] | | | ✓ |
| ACTIVITIES FOR ENFORCEMENT REFORMS | | | |
| Use of Alternative Dispute Resolution (ADR) | | ✓ | |
| Number of Settlements Where EPA Settled Based on Ability-to-Pay Determinations | | ✓ | |
| Prospective Purchaser Agreements (PPAs) | ✓ | | |
| Issuance of Comfort/Status Letters | | ✓ | |
| Orphan Share - EPA Offer and Compensation | | ✓ | |
| Use of Interest Bearing Special Accounts | | ✓ | |
| Issue Cleanup Orders to Parties in an Equitable Manner | ✓ | | |
| De Micromis Settlements and Number of Parties | | ✓ | |
| PRP Oversight Administration | | | ✓ |

NOTE: Accomplishments are pulled from WasteLAN on a quarterly basis. Measures are planned and reported quarterly.

TARGETS AND MEASURES FOR BASELINE ENFORCEMENT

Note: WasteLAN coding requirements contained in the definitions are only for key data elements. For a full list of requirements and suggested data elements, see the *SCAP/Oil Coding Guide* for the current FY.

POTENTIALLY RESPONSIBLE PARTY (PRP) SEARCH STARTS

Definition:

A PRP search identifies PRPs at the site and establishes PRP liability, capability, and financial viability. At all sites, the PRP search activities should be initiated as soon as possible after the Region decides that a response (removal or remedial) action is likely to be required at the site. For sites where remedial actions will be conducted, the PRP search should be initiated in time to send a SNL (at least 90 days prior to the obligation of funds for an ESI/RI, RI/FS or RA). For sites where removal actions will be conducted, the PRP search should be initiated as soon as the need for the removal has been identified in order to give a verbal notice of potential liability or to issue a general notice letter.

Definition of Accomplishment:

If the National Priorities List (NPL) PRP search (Action Name = NPL RP Search) or non-NPL PRP search (Action Name = Non-NPL PRP Search) is being conducted by a contractor, the actual start date (Actual Start) is considered to be the date the PRP search work assignment or procurement request is signed by the Contracting Officer (CO) or the designated Contracting Officer Representative (COR). The start for both the NPL and non-NPL PRP search is documented by the signed procurement request or work assignment. If the NPL or non-NPL PRP search is conducted by EPA in-house, the actual start date (Actual Start) is the date EPA staff develops the PRP search plan, the date the On-Scene Coordinator (OSC) receives confirmation of a spill identification number from the Regional Finance Office, or the date EPA initiates and documents search activities by some other means.

Changes in Definition FY 98 - FY 99/00:

The stated goal of the PRP search in the Definition was expanded. The work assignment may be signed by the Contracting Officer (CO) or the designated Contracting Officer Representative (COR).

Special Planning/Reporting Requirements:

PRP searches (Action Name = Non-NPL PRP Search or NPL RP Search) are planned and funds requested on a site-specific basis. PRP Search Starts is a program measure.

PRP SEARCH COMPLETIONS

Definition:

A PRP search completion constitutes the completion of the activities taken by the Region to identify PRPs at a site. In conducting the PRP search, the Region must consider which of the criteria outlined below are cost effective and reasonable to meet relative to the anticipated overall cleanup costs at the site. Upon completion, Regions should document in the site file that they have met all reasonable achievable criteria. Criterion 1 is mandatory for all PRP search completions. The PRP search should ideally be completed prior to completion of cleanup negotiations; however, it is recognized that this may not be achievable in all situations.

The recommended criteria for a thorough PRP search are:

1. *Initiate a dialogue with early identified PRPs for the purpose of providing an opportunity for PRP input into the PRP search;*
2. Collect the financial and contribution data needed to perform equitable share calculations;
3. Follow-up on all leads as a way to identify parties to the site;
4. Make *de minimis* and de micromis determinations for all parties at the site;
5. Categorize all parties [e.g., Generator/Transporter, Owner/Operator, Small Business (\$2 million or less gross annual revenue and 25 or less employees), Municipal Solid Waste Contributor, etc.]; and
6. Perform a financial viability determination on all PRPs asserting ability-to-pay problems.

Definition of Accomplishment:

The PRP search (Action Name = NPL RP Search or Non-NPL PRP Search) is complete when all applicable activities described in the Agency's PRP Search Manual have been completed and documentation has been placed in the site file that the Region has met all reasonable achievable criteria for the PRP search, a PRP search outcome report with a list of PRPs has been prepared and both the actual completion date (Actual Complete) and the outcome (Qualifier) of the search have been entered into WasteLAN. If no PRPs are found, the Region must document in the site file that it has met all reasonable achievable criteria for the PRP search and enter the actual completion date (Actual Complete) and the Qualifier of 'No PRPs Identified (NP)' into WasteLAN. This definition applies to both Phase I (single owner, operator site) and Phase II (multi-generator site) PRP searches.

Changes in Definition FY 98 - FY 99/00:

Deleted the requirement that an ability to pay determination is required for recalcitrant parties.

Special Planning/Reporting Requirements:

PRP search completions (Action Name = Non-NPL PRP Search or NPL RP Search) are planned on a site-specific basis. The search outcome (Qualifier) is to be entered into WasteLAN. The number of PRPs found may be system generated by entering and associating PRPs with sites and selecting an Identification Source of "PRP Search." PRP search completions is a program measure.

SECTION 104(E) LETTERS ISSUED

Definition:

This is a letter issued under Section 104(e) of CERCLA. It requests information from PRPs on matters such as: the nature and extent of a release or threatened release at a site; the nature and quantity of hazardous materials at the site; and the financial ability of the PRP to pay for possible response actions. Section 104(e) letters issued are tied to a PRP search and other enforcement actions.

Definition of Accomplishment:

This activity is accomplished on the date the information request letter is signed by the appropriate EPA official and entered into WasteLAN as the SubAction, Issue Req Lttrs - 104(e), with an actual completion date (Actual Complete).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

Section 104(e) letters issued is a program measure. Issue Req Ltrrs - 104(e) is a valid SubAction for PRP search, negotiation, and enforcement instrument actions. Follow-up 104(e) letters are not tracked under this measure but may be entered into WasteLAN through the Document Compliance screens.

RECEIPT OF RESPONSES TO SECTION 104(E) LETTERS

Definition:

This is a response to a letter issued under Section 104(e) of CERCLA. The response from the recipients may include: the nature and extent of a release or threatened release at a site; the nature and quantity of hazardous materials at the site; and the financial ability of the PRP to pay for possible response actions.

Definition of Accomplishment:

Date the response to a 104(e) letter is received from a recipient and entered into WasteLAN as the Response Received Date on the Document Compliance Tracking screen.

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

Receipt of responses to Section 104(e) letters will be tracked through the Document Compliance screens in WasteLAN. This is a program measure.

SECTION 104(E) REFERRALS AND ORDERS ISSUED

Definition:

Section 104(e) referrals/orders are enforcement actions to compel PRPs to respond to EPA requests for information or to obtain site access.

Definition of Accomplishment:

The date the memo from the Regional Administrator transmitting the Section 104(e) referral to HQ or to the Department of Justice (DOJ) is recorded in WasteLAN as the actual start date (Actual Start) of the Section 104(e) referral (Action Name = Section 104(e) Ref. Litigation). The date a Section 104(e) Unilateral Administrative Order (UAO) is signed by the Regional Administrator or delegatee is recorded in WasteLAN as the actual completion date (Actual Complete) of the UAO (Action Name = Unilateral Admin Order).

Changes in Definition FY 98 - FY 99/00:

The order may be signed by the Regional Administrator or delegatee.

Special Planning/Reporting Requirements:

The actual start date (Actual Start) of the referral (Action Name = Section 104(e) Ref. Litigation) or the actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order) is entered into WasteLAN site-specifically. The Law/Section reported in WasteLAN should be "CERCLA 104(e)" [(Law/Section = CERCLA 104(e)]. This is a program measure.

ISSUANCE OF GENERAL NOTICE LETTERS (GNLs)**Definition:**

Letter sent by EPA under Section 122 of CERCLA informing recipients of their potential liability for cleanup actions at the site. It is usually sent out during the PRP search or during preparation for negotiations.

Definition of Accomplishment:

This activity is accomplished on the date the GNL is signed by the appropriate EPA official and entered into WasteLAN as the SubAction, Notice Letters Issued, with an actual completion date (Actual Complete).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

General Notice Letters are recorded as a SubAction to PRP search or negotiation actions. GNL is a program measure.

ISSUANCE OF SPECIAL NOTICE LETTERS (SNLs)**Definition:**

A SNL is a letter from EPA to the PRPs informing them of their potential liability and inviting them to offer to conduct the planned response action(s) at the site. This letter, under Section 122(e) of CERCLA, triggers a negotiation moratorium allowing the PRPs to consider EPA's invitation to negotiate. The moratorium period varies depending on the response action (ESI/RI/FS, RD, or RA) and can be extended if necessary.

Definition of Accomplishment:

This activity is accomplished on the date the SNL is signed by the appropriate EPA official and entered into WasteLAN as a SubAction, Special Notice Issued, with an actual completion date (Actual Complete). The date of issuance of the SNL also constitutes the start of negotiations [Action Name = RI/FS Negotiations, RD/RA Negotiations, Negotiations (Generic), or Removal Negotiations].

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

SNLs are recorded as a SubAction to PRP search or negotiation actions. The actual completion date of the SNL is the same as the actual start date (Actual Start) of the applicable negotiation action. Issuance of SNLs is a program measure.

EXPANDED SITE INSPECTION/REMEDIAL INVESTIGATION/FEASIBILITY STUDY (ESI/RI/FS) NEGOTIATION STARTS

Definition:

ESI/RI/FS negotiations are discussions between EPA and the parties on their liability, willingness, and ability to conduct the ESI/RI/FS.

Definition of Accomplishment:

ESI/RI/FS negotiations start when:

- The first SNL is signed by the appropriate EPA official. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] and the completion (Actual Complete) of the SNL SubAction (SubAction Name = Special Notice Issued); or
- A Section 122(a) waiver of SNL is signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] and the completion (Actual Complete) of the SNL waiver SubAction (SubAction Name = Notice of S 122 Waiver Issued).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

If the Region does not plan to perform ESI/RI/FS negotiations at a site, negotiation dates should not be placed in WasteLAN. The start of ESI/RI/FS negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] should be planned site-specifically. The "Response Actions Sought" and "Response Actions to be Reimbursed" (if applicable) are to be entered into WasteLAN. The actual start of the negotiation action is the same as the actual complete date (Actual Complete) of the SNL or waiver of SNL. ESI/RI/FS negotiation starts is a program measure.

REMEDIAL DESIGN/REMEDIAL ACTION (RD/RA) NEGOTIATION STARTS

Definition:

RD/RA negotiations are discussions between EPA and the parties on their liability, willingness, and ability to implement the long-term remedy selected in the ROD for the site or Operable Unit (OU).

Definition of Accomplishment:

RD/RA negotiations start when:

- The first SNL is signed by the appropriate EPA official. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations] and the completion (Actual Complete) of the SNL SubAction (SubAction Name = Special Notice Issued); or
- A Section 122(a) waiver of SNL is signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations] and the completion (Actual Complete) of the SNL waiver SubAction (SubAction Name = Notice of S 122 Waiver Issued).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

If the Region does not plan to conduct RD/RA negotiations, dates should not be entered into WasteLAN. The start of RD/RA negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations] is planned site-specifically. The "Response Actions Sought" and "Response Actions to be Reimbursed" (if applicable) are to be entered into WasteLAN. The "Response Actions Sought" must include one or more of the following actions: Remedial Design, Remedial Action, PRP RD or PRP RA. The actual start of the negotiation action is the same as the actual completed date (Action Complete) of the SNL or waiver of SNL. RD/RA negotiation starts is a GPRA measure.

COMPLETION OR TERMINATION OF NEGOTIATIONS FOR RD/RA [FORMERLY KNOWN AS RD/RA NEGOTIATION COMPLETIONS]**Definition:**

RD/RA negotiations are discussions between EPA and the parties on their liability, willingness, and ability to implement the long-term remedy selected in the ROD for the site or Operable Unit (OU).

RD/RA negotiations end when the Region decides how to proceed with the RD/RA.

Definition of Accomplishment:

Credit is given at *NPL* and *NPL-caliber sites* when:

- A signed Consent Decree (CD) under Section 106 or Section 106/107 and a 10-point analysis for RD or RA is referred by the Regional Administrator to either DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the signed transmittal memo, which is the CD (Action Name = Consent Decree) actual start date (Actual Start); or
- A Unilateral Administrative Order (UAO) for RD or RA is signed by the Regional Administrator or delegatee. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the UAO (Action Name = Unilateral Admin Order) is signed, which is the UAO actual completion date (Actual Complete); or
- A Section 106 or Section 106/107 injunctive referral to compel the PRP to perform the RD or RA as specified in a UAO is referred by the Regional Administrator to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator's transmittal memo, which is the litigation [Action name = Litigation (Generic), Section 106 & 107 Litigation, or Section 106 Litigation] actual start date (Actual Start); or
- EPA and PRPs are notified by a letter from DOJ of the date on which they will proceed to trial under an existing case. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the same as the date (Actual Complete) the trial begins (SubAction Name = Trial Started); or
- An Administrative Order on Consent (AOC) for RD only is signed by the Regional Administrator or delegatee. Where an AOC for RD only is issued, no credit will be given for the subsequent RA negotiation starts and completions. Credit will, however, be given under Total Response Settlements for the referral of a CD for RA to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the AOC is signed, which is the AOC (Action Name = Admin Order on Consent) actual completion (Actual Complete).

If Special Notice Letters are issued specifically to initiate RD/RA negotiations and the negotiations result in an amendment to an existing settlement to include RD/RA, the negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the amended settlement is signed. This amendment date is tracked as the actual completion date (Actual Complete) of the settlement SubAction, Enforcement Action Amended; or

For *NPL sites* only:

- Funds are obligated through a contract modification or work assignment signed by the CO, an IAG signed by the other Federal agency, or a Cooperative Agreement signed by the designated Regional official for a Fund-financed RD or RA. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date funds are obligated. If funds are not available and the Region decides a UAO is not appropriate, the negotiation [Action Name = Negotiation (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the written documentation of the Region's decision not to issue a UAO.

This measure will track and report NPL and NPL-caliber sites separately.

Changes in Definition FY 98 - FY 99/00:

HQ is not required to concur on a decision by the Region not to issue a UAO. Administrative Orders may be signed by the Regional Administrator or delegatee. Measure name has been changed.

Special Planning/Reporting Requirements:

This is a GPRA measure. RD/RA negotiation completions are planned site-specifically. The negotiation completion date is reported in WasteLAN as the actual completion date (Actual Complete) of either generic negotiations or RD/RA negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations]. The "Response Actions Sought" and the outcome of the negotiations [Outcome(s) Selected or Outcome Actions Selected] also must be reported in WasteLAN. The "Response Actions Sought" must include one or more of the following actions: Remedial Design, Remedial Action, PRP RD or PRP RA.

COMPLETION OR TERMINATION OF NEGOTIATIONS FOR CLEANUP (RD/RA, REMOVALS, AND OTHER) [FORMERLY KNOWN AS CLEANUP NEGOTIATION COMPLETIONS]

Definition:

Cleanup negotiations are discussions between EPA and the parties on their liability, willingness, and ability to conduct the cleanup. Negotiations are complete (for NPL and NPL-caliber sites) when a decision has been made as to how the Region will proceed with the cleanup.

Definition of Accomplishment:

Credit is given at *NPL and NPL-caliber sites* when:

- A signed CD under Section 106 or Section 106/107 and a 10-point analysis for RD, RA, groundwater monitoring activities post ROD, institutional controls, or a time-critical or NTC removal is referred by the Regional Administrator to either DOJ or HQ. The negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date of the signed transmittal memo, which is the CD (Action Name = Consent Decree) actual start date (Actual Start); or

- A UAO for RD, RA, groundwater monitoring activities post ROD, institutional controls, or a time-critical or NTC removal is signed by the Regional Administrator or delegatee. The negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date the UAO (Action Name = Unilateral Admin Order) is signed which is the UAO actual completion date (Actual Complete); or
- A Section 106 or Section 106/107 injunctive referral to compel the PRP to perform the cleanup (RD or RA) as specified in a UAO is referred by the Regional Administrator to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator's transmittal memo, which is the litigation [Action Name = Litigation (Generic), Section 106 & 107 Litigation, or Section 106 Litigation] actual start date (Actual Start); or
- A Prospective Purchaser Agreement (PPA) implementing the **entire** remedy is signed by the Regional Administrator or delegatee. Credit is not given for negotiation completions as a result of a PPA which implements part of the remedy. The negotiation [Action Name = Negotiations (Generic), Removal Negotiations or RD/RA Negotiations] actual completion date (Actual Complete) is the date the PPA (Action Name = Admin Order on Consent or Consent Agreement and Enf. Instrument Category = Prospective Purchaser Agreement) is signed by the Regional Administrator or delegatee which is the actual completion date (Actual Complete) of the AOC or Consent Agreement; or
- EPA and PRPs are notified by a letter from DOJ of the date on which they will proceed to trial under an existing case. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the same as the date (Actual Complete) the trial begins (SubAction Name = Trial Started); or
- An AOC for RD only, for groundwater monitoring activities post ROD or institutional controls is signed by the Regional Administrator or delegatee. Where an AOC for RD only is issued, no credit will be given for the subsequent RA negotiation start and completion. Credit will be given under Total Response Settlements for the referral of a CD for RA to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the AOC is signed, which is the AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete).
- An AOC for a time-critical or NTC removal is signed by the Regional Administrator or delegatee. The negotiation [Action Name = Negotiations (Generic) or Removal Negotiations] actual completion date (Actual Complete) is the date the AOC is signed, which is the AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete); or
- For settlements that are amended to include cleanup actions, the negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date the amended instrument is signed. This amendment date is tracked as the actual completion date (Actual Complete) of the SubAction, Enforcement Action Amended; or
- Funds are obligated through a contract modification or work assignment signed by the CO, an IAG signed by the other Federal agency, or a Cooperative Agreement signed by the designated Regional official for a Fund-financed time-critical or NTC removal or RA. **Only those sites that are final on the NPL are eligible for Fund-financed RAs.** The negotiation [Action Name = Negotiations (Generic), Removal Negotiations, or RD/RA Negotiations] actual completion date (Actual Complete) is the date funds are obligated. If funds are not available and the Region decides a UAO is not appropriate, the negotiation [Action Name = Negotiations (Generic), Removal Negotiations, or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the written documentation of the Region's decision not to issue the UAO.

This measure will track and report NPL and NPL-caliber sites separately.

Changes in Definition FY 98 - FY 99/00:

HQ is no longer required to concur on the Region's decision not to issue a UAO. Administrative Orders may be signed by the Regional Administrator or delegatee. Regions will only receive credit for negotiation completions as a result of a PPA if the prospective purchaser implements the entire remedy. Measure name has been changed. Consistent with revisions to Appendix B, early actions (remedial authority) were deleted and early actions (removal authority) was changed to removals.

Special Planning/Reporting Requirements:

This is a program target. Cleanup negotiation completions are planned site-specifically. The negotiation completion date is reported in WasteLAN as the actual completion date (Actual Complete) of either generic negotiations, RD/RA negotiations, or removal negotiations [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations]. The "Response Actions Sought" and the outcome of the negotiations [Outcome(s) Selected or Outcome Actions Selected] also must be reported in WasteLAN. Regions will receive credit for the completion of cleanup negotiations that result in the signature of an AOC or Consent Agreement with a prospective purchaser that is implementing the entire remedy.

STATE ORDER FOR ESI/RI/FS

Definition:

Administrative Order (AO) or CD signed by the State and the PRPs for the PRPs to conduct the Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS).

Definition of Accomplishment:

The date the last State official signs the order or CD. All WasteLAN coding requirements for Federal AOs and CDs apply. The enforcement action type should be State decree or State order (Action Name = State Consent Decree or State Order) and the actual completion date should be entered in the "Actual Complete" field in WasteLAN. The "Response Actions Achieved" and "Response Actions to be Reimbursed" (if applicable) also must be reported in WasteLAN.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. Projections for AOs for ESI/RI/FS are made site-specifically. State Orders for ESI/RI/FS is a program measure.

STATE CONSENT DECREE FOR RD/RA

Definition:

A State CD is a judicial agreement between the State and the PRPs when fully or partially settling a claim under CERCLA. The settlement may be for response work or both response work and cost recovery.

Definition of Accomplishment:

The date the State CD is signed by the PRPs and all appropriate State officials. All WasteLAN coding requirements for Federal CDs apply. The Region should enter the State Consent Decree Action with an actual completion date (Actual Complete) and the "Response Actions Achieved." The "Response Actions Achieved" fields must include one or more of the following actions: PRP RD, PRP RA or Groundwater Monitoring (post ROD). If the State CD includes a cost recovery agreement the "Costs Achieved" and "Response Actions to be Reimbursed" also should be entered into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

Regions must select a Response Action Achieved of PRP RD or PRP RA or Groundwater Monitoring (post ROD) in order to receive credit under this measure.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. State CD for RD/RA is a program measure.

TOTAL RESPONSE COMMITMENTS (INCLUDING DOLLAR VALUE) [FORMERLY KNOWN AS
TOTAL RESPONSE SETTLEMENTS (INCLUDING DOLLAR VALUE)]

Definition:

Total Response Commitments is the total universe of CERCLA enforcement instruments where the parties agree to conduct cleanup work. This measure will require reporting of both the number of enforcement instruments as well as the estimated value of the response work pursuant to each of those instruments.

Definition of Accomplishment:

Enforcement Instruments at NPL, NPL-caliber, and non-NPL sites include:

- A Consent Decree (CD) signed by the Regional Administrator and PRPs and 10-point analysis is transmitted by the Regional Administrator to DOJ or HQ, under Section 106 or 106/107 for PRPs to conduct or pay for the response action [ESI/RI, RI, RI/FS, FS, RD, RA, groundwater monitoring activities post ROD, institutional controls, time-critical or NTC removal. Credit for the CD referral (Action Name = Consent Decree) is given on the date on which the Regional Administrator's transmittal memo is sent to DOJ or to HQ as recorded in WasteLAN as the actual start date (Actual Start). This includes CDs for mixed work, preauthorized mixed funding, and cashout settlements. The appropriate Enforcement Instrument Category (Enf Instrument Category Selected = Cashout, *De minimis*/Cashout, De micromis, Preauthorization, or Mixed Funding) also must be entered into WasteLAN; or
- A Unilateral Administrative Order (UAO) is signed by the Regional Administrator or delegatee for RD or RA, and at least one of the PRPs has provided notice of intent to comply unconditionally. For UAOs for RD/RA, commitment credit is given on the date of the PRP's written notice of intent to comply with the order. This is reported in WasteLAN as the actual completion date (Actual Complete) of the notice of intent to comply SubAction (SubAction Name = PRPs Ntfy EPA, Intent to Comply). The actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order) is the date it is signed.

If a PRP initially complies with a UAO credit will be given for the UAO when the first PRP provides written notice of intent to comply. If, at a later date, the PRP agrees to a CD for the same work, credit will be given for the CD when it is referred by memo to DOJ or HQ. At this point the UAO Converted Indicator should be activated on the Enforcement Instrument screen and the Region will receive credit for the CD only and not the UAO. When adding the Consent Decree Action, the Region should identify the UAO as the predecessor Action through Action Relationships and enter the estimated value of the UAO as the estimated value of the CD if the CD covers the same work. If the CD covers more work than the UAO it replaces, a revised estimate may be necessary. The WasteLAN reporting requirements for the CD apply; or

- For all other response activities, commitment credit is given the date the UAO (Action Name = Unilateral Administrative Order) is signed by the Regional Administrator or delegatee as the actual completion date (Actual Complete).
- An Administrative Order on Consent (AOC) is signed by the Regional Administrator or delegatee for an ESI/RI, RI, RI/FS, FS, time-critical or NTC removal or RD. The date the AOC is signed (Action Name = Admin Order on Consent) is reported in WasteLAN as the actual completion date (Actual Complete).
- Commitment credit is also given when an AOC or Consent Agreement is signed that provides protection from potential future liability to a prospective purchaser that is implementing the remedy. The actual completion date (Actual Complete) is the date the AOC or Consent Agreement (Action Name = Admin Order on Consent or Consent Agreement and Enf Instrument Category Selected = Prospective Purchaser Agreement) is signed by the Regional Administrator or delegatee.

Total Response Commitments will be reported as a combined total of CDs, Consent Agreements with prospective purchasers, AOCs, and UAOs, where response actions have been achieved. The value of Total Response Commitments is based on the estimated value of PRP response work.

Changes in Definition FY 98 - FY 99/00:

Regions will receive credit for UAOs issued for response activities other than RD or RA when the UAO is signed by the Regional Administrator or delegatee. Administrative Orders may be signed by the Regional Administrator or delegatee. Consistent with revisions to Appendix B, early actions (remedial authority) were deleted and early actions (removal authority) were changed to removals. The WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The applicable "Response Actions Achieved," the "Estimated Present Worth Value" of the response actions the PRPs are performing (see supplement to: OSWER Directive #9200.3-14-1a) and, if necessary, the "Enf Instrument Category" are to be reported in WasteLAN. Settlement credit will be given for an AOC or Consent Agreement with a prospective purchaser if "Prospective Purchaser Agreement" is the selected enforcement instrument category. Existing settlements for ESI/RI, RI/FS or FS that are amended to include RD should be reported in WasteLAN. The date the amendment is signed is the actual completion date (Actual Complete) of the SubAction "Enforcement Activity Amended." The Region should also check the amended instrument flag (Amended Instrument?) and indicate the "Response Actions Added" under the settlement. Total Response Commitments will be reported in the ENFR-03 report. This is a GPRA target/annual performance goal.

DE MINIMIS SETTLEMENTS AND NUMBER OF PARTIES

Definition:

This measure reports the total number of administrative or judicial settlements that are reached under Section 122 of CERCLA, with PRPs qualified as de minimis. This type of settlement results in PRPs paying a minor portion of the estimated response costs at the site, and is embodied in a CD or an AOC. If the total response costs at the site exceed \$500,000 (excluding interest), the AOC can only be signed by the Regional Administrator or delegatee after prior written approval from DOJ. If DOJ does not approve or disapprove the order within 30 days, the order is considered approved and can then be signed by the Region. The DOJ and the Regional Administrator or delegatee can agree to extend the 30-day period if necessary.

This measure will examine the total number of de minimis settlements under Section 122, the number of PRPs who join such settlements, and the number of sites at which de minimis settlements were signed.

Definition of Accomplishment:

Credit is given for de minimis settlements in the following two categories.

Category 1: De minimis settlements include:

- An AOC (Action Name = Admin Order on Consent) signed by the Regional Administrator or delegatee, as reported in WasteLAN, as the actual completion date (Actual Complete); or
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) signed by the de minimis parties to DOJ or HQ, as reported in WasteLAN, as the actual start date (Actual Start).

The number of signatories to the settlement will be system generated in WasteLAN from the identification of the PRPs who have signed the settlement.

Category 2: Early de minimis settlements include:

- An AOC (Action Name = Admin Order on Consent) signed by the Regional Administrator or delegatee prior to the first remedy selection (ROD) at the site, or prior to a subsequent ROD which addresses response costs that are included in the settlement. The date the AOC is signed is reported in WasteLAN as the actual completion date (Actual Complete) of the AOC (Action Name = Admin Order on Consent).
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) signed by the de minimis parties and the Regional Administrator to DOJ or HQ prior to the first remedy selection (ROD) at the site or prior to a subsequent ROD which addresses response costs that are included in the settlement. The date the CD is signed is reported in WasteLAN as the actual start date (Actual Start) of the CD (Action Name = Consent Decree).

The number of signatories to the settlement will be system generated from the identification of the PRPs who have signed the settlement.

The following information should be entered into WasteLAN for both Category 1 and Category 2 settlements:

- Enf Instrument Category Selected of De minimis;
- Law/Section Selected of CERCLA 122(g) or 122(h);
- PRPs or PRP group that signed settlement (PRPs Associated with Enforcement Instrument or PRP Groups Associated with Enforcement Instrument); and
- Dollar amount that will be used for future or past work covered by the settlement [Past Costs Achieved and/or Cashout Funds Achieved (as applicable)].

To indicate the de minimis parties that signed the settlement, the following information must be entered for each party on the Involvement screen:

- PRP Involvement Status of "De Minimis Party"; and
- Involvement Type of "Owner", "Generator" or "Transporter".

Changes in Definition FY 98 - FY 99/00:

The AOC may be signed by the Regional Administrator or delegatee. An Operator cannot be a de minimis party. The WasteLAN data entry instructions reflect the design of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. This is a GPRA target/annual performance goal.

Since many *de minimis* settlements are cashouts, Regions also must enter the Enforcement Instrument Category for "Cashout" (Enf Instrument Category Selected = Cashout). Dollars received in a *de minimis* cashout settlement should be deposited in an interest bearing special account. See the Use of Interest Bearing Special Accounts measure for additional information.

The number of signatories to the settlement will be system generated from the identification of the PRPs who have signed the settlement.

Regions are requested to provide site-specific targets for *de minimis* settlements.

See Enforcement Reforms for De Micromis Settlements and Number of Parties.

CASHOUT SETTLEMENTS

Definition:

This measure reports the total number of administrative or judicial settlements where the parties agree to make cash payments toward future response costs at a site.

Definition of Accomplishment:

Credit is given when:

- The Regional Administrator transmits the cashout CD (Action Name = Consent Decree) to DOJ or HQ as recorded in WasteLAN as the actual start date (Actual Start); or
- The Regional Administrator or delegatee signs the AOC (Action Name = Admin Order on Consent) for the cashout settlement as recorded in WasteLAN as the actual completion date (Actual Completion).

Changes in Definition FY 98 - FY 99/00:

The AOC may be signed by the Regional Administrator or delegatee. The WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

This is a program measure. The Enforcement Instrument Category of "Cashout" (Enforcement Instrument Category Selected = Cashout and "Cashout Funds Achieved" and "Response Actions Achieved" must be entered into WasteLAN. Dollars received in a cashout settlement should be deposited in an interest bearing special account. See the measure, Use of Interest Bearing Special Accounts, for more information.

SECTION 106, 106/107, 107 CASE RESOLUTION**Definition:**

Case resolution is the conclusion of a Section 106, 106/107, or 107 judicial action by full settlement, final judgment, case dismissal, or case withdrawal.

Definition of Accomplishment:

Credit for case resolution is given when:

- A CD is entered in the court and signed by the judge fully addressing the complaint with all parties; or
- The Region receives a memo or letter from DOJ withdrawing the case; or
- A decision document is submitted by the judge dismissing the case; or
- A trial has concluded and a judgment rendered and signed by the judge fully addressing the complaint.

The Litigation or case resolution (Action Name = Litigation (Generic), Section 106 & 107 Litigation, Section 107 Litigation, or Section 106 Litigation) actual completion date (Actual Complete) is defined as follows:

- Date full settlement CD is entered. This is the actual completion date (Actual Complete) of the CD, SubAction = Entered by Court, and the litigation action actual completion date (Actual Complete);
- Date case is withdrawn (SubAction Name = Case Withdrawn) as the SubAction completion and litigation actual completion date (Actual Complete);
- Date case is dismissed (SubAction Name = Case Dismissed) as the SubAction and litigation actual completion date (Actual Complete); or
- Date judgment is entered (Action Name = Judicial/Civil Judgment) as the judgment and the litigation actual completion date (Actual Complete).

Changes in Definition FY 98 - FY 99/00:

The WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

The Outcome Actions Selected or Outcome(s) Selected are entered with the litigation action. In addition, if the litigation resulted in a CD or judgment, the "Response Actions Achieved" with their "Estimated Present Worth Value" or Past Costs Achieved and, if the settlement includes cost recovery, "Response Actions to be Reimbursed," with Future Costs Achieved also must be entered into WasteLAN with the CD or judgment action. This is a program measure.

ADMINISTRATIVE RECORD FOR SELECTION OF RESPONSE ACTION

Definition:

An Administrative Record (AR) is a compilation of all documents EPA used to make a specific decision on the appropriate response action to be taken at a Superfund site, regardless of whether the document supports or opposes the Agency's selected action. SARA specifies that such ARs be compiled at sites where responses under remedial or removal authority are planned or are occurring, or where EPA is issuing a UAO or initiating litigation.

Definition of Accomplishment:

The AR compilation (Action Name = Administrative Records) begins when the letter is signed transmitting the AR to the site repository and the actual start date (Actual Start) is entered into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

The AR compilation completion definition was deleted.

Special Planning/Reporting Requirements:

This is a program measure. The start of the compilation of the AR must be reported site-specifically (Action Name = Administrative Records) in WasteLAN. An Action Qualifier indicates whether the AR is for a remedial or a removal activity [Qualifier = (E) Admin Record Compiled For a Remedial Event, or (V) Admin Record Compiled For a Removal Event].

ISSUANCE OF DEMAND LETTER

Definition:

A Section 122(e) letter issued from EPA to the PRP requesting that the PRP reimburse the Fund for a specific amount associated with one or more response activities. Demand letters are typically sent for each separate response activity.

Definition of Accomplishment:

This SubAction is accomplished on the date (Actual Complete) the demand letter is signed by the appropriate EPA official and recorded in WasteLAN as a SubAction (SubAction Name = Demand Letters Issued) to the negotiation actions, Administrative/Voluntary Cost Recovery action, UAO, Litigation actions, or Decision Documents.

Changes in Definition FY 98 - FY 99/00:

Demand letters is now a valid SubAction for UAOs.

Special Planning/Reporting Requirements:

This is a program measure.

TOTAL COST RECOVERY SETTLEMENTS (INCLUDING DOLLAR VALUE)

Definition:

Total Cost Recovery Settlements is the total universe of CERCLA enforcement cost recovery settlements where the parties agree to pay past costs to the Agency. This measure will require reporting of both the number of settlements as well as the value of the past costs to be recovered pursuant to each of these settlements.

Definition of Accomplishment:

Settlements at NPL, NPL-caliber, and non-NPL sites include:

- **Consent Decrees** - Credit is given for CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component, or CDs for cost recovery only that were not a result from a previous litigation referral, on the date of the Regional Administrator's memo transmitting the settlement to DOJ or HQ and recorded in WasteLAN as the actual start date (Actual Start).

For CD settlements that are for cost recovery only and result from a previous litigation referral, Regions **should not** add a start date (Actual Start). Only the lodged (SubAction Name = Lodged by DOJ) and entered (SubAction Name = Entered by Court) SubActions, their actual completion dates (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of the CD is the date it is entered by the court.

- **Administrative Settlements** - Credit is given on the date that the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery or the date the Regional Administrator or delegatee signs the AOC or Consent Agreement for cost recovery. The date must be reported in WasteLAN as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC (Action Name = Admin Order on Consent), or Consent Agreement (Action Name = Consent Agreement).

Total Cost Recovery Settlements will be reported as the combined total of CDs, Consent Agreements, Administrative/Voluntary Cost Recovery actions and AOCs where cost recovery has been achieved.

Changes in Definition FY 98 - FY 99/00:

An Administrative enforcement instrument may be signed by the Regional Administrator or delegatee.

Special Planning/Reporting Requirements:

This is a program measure. The "Costs Achieved" or "Other Activities for Cost Recovery" must be entered into WasteLAN. This measure will be reported in the ENFR-03 report.

PAST COSTS ADDRESSED \geq \$200,000 VIA SETTLEMENTS, WRITE-OFFS, OR REFERRALS
 [FORMERLY KNOWN AS PAST COSTS ADDRESSED \geq \$200,000]

Definition:

Past costs addressed \geq \$200,000 is the decision either to take cost recovery action by use of administrative cost recovery settlement, to transmit a Section 106/107 or 107 judicial referral for cost recovery, including settlements for past costs under a CD (with no prior litigation referral); to prepare a decision document or 10-point settlement analysis document not to pursue cost recovery, or to file a claim in bankruptcy.

It only covers cases where EPA has incurred costs \geq \$200,000. It is vital to the management of the cost recovery program that sites with upcoming Statute of Limitations (SOLs) be addressed prior to the expiration of the SOL. Therefore, Regions will not be allowed to substitute FY 99/00 targeted sites that have SOLs occurring in FY 99/00 or before.

Definition of Accomplishment:

Administrative Settlements - Credit is given on the date the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery, or the date the Regional Administrator or delegatee signs the AOC or Consent Agreement that recovers 100 percent of the Trust Fund expenditures or settles a claim where the total response cost are less than \$500,000. The accomplishment of the administrative settlement is recorded in WasteLAN as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC

(Action Name = Admin Order on Consent), or Consent Agreement (Action Name = Consent Agreement). If the settlement is compromised and total response costs are more than \$500,000, the AOC must be sent to DOJ for approval prior to signature by the Regional Administrator or delegatee.

Section 107 or 106/107 Judicial Referrals - Credit is given on the date of the Regional Administrator's memo transmitting the referral to DOJ or HQ [Action Name = Litigation (Generic), Section 107 Litigation, or Section 106 & 107 Litigation] as recorded in WasteLAN as the actual start date (Actual Start).

This includes CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component or CD settlements for cost recovery only that were not the result of a prior litigation referral. Credit is given for these CD settlements on the date of the Regional Administrator's memo transmitting the settlement to DOJ or HQ and recorded in WasteLAN as the actual start date (Actual Start).

CD settlements that are for cost recovery only and result from a previous litigation referral do not count towards this target. The start date (Actual Start) for these actions is **not** reported in WasteLAN. Only the lodged (SubAction Name = Lodged by DOJ) and entered (SubAction Name = Entered by Court) SubActions, the SubAction actual completion date (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of the CD is the date it is entered by the court.

Decision Documents not to Pursue Cost Recovery - Credit is given when the decision document (Action Name = Cost Recvry Decsn Docmt - No Sue) is signed by the Regional office and recorded in WasteLAN as the actual completion date (Actual Complete). The decision not to pursue cost recovery also may be documented in a 10-point settlement analysis. For both the Cost Recovery Decision Document Not to Sue and the enforcement instrument 10-point settlement analysis, the past costs that will not be recovered (Past Costs) and the reason the costs were written off should be reported in WasteLAN.

Bankruptcy Filing - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by the summary of the meeting. These dates are reported in WasteLAN as the SubAction "Creditors Committee Meeting" and/or "Bankruptcy Strategy Package" actual completion dates (Actual Complete). These SubActions are entered with the Claim in Bankruptcy action. For each Claim in Bankruptcy, the "Past Costs Sought" must be entered into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

The Regional Administrator or delegatee may sign the administrative settlement document. The WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens. "Response Action Costs Written Off" is no longer a requirement for Decision Document not to Pursue Cost Recovery.

Special Planning/Reporting Requirements:

All dates must be entered into WasteLAN. Credit for referrals is based on the referral package, not on the number of sites. Credit will be withdrawn if a case is returned to the Region by DOJ or HQ for additional work, but will be reinstated upon re-referral. For each settlement, the Region must enter the following information into WasteLAN: "Costs Achieved" or "Other Activities for Cost Recovery". For each judicial referral, Regions must enter the following information: "Amount Sought" or "Other Activities for Cost Recovery." For each decision not to pursue cost recovery, the following information must be entered: "Past Costs" (Costs Written Off) and Rationale for Cost Write-Off. Accomplishments are reported on a site-specific basis. Any changes to the target require prior approval by the Office of Site Remediation and Enforcement (OSRE). This is a GPRA target/annual performance goal.

RECOVERABLE PAST COSTS THAT HAVE BEEN ADDRESSED BY PROGRAM TO DATE VIA SETTLEMENTS, WRITE-OFFS, OR REFERRALS [FORMERLY KNOWN AS RECOVERABLE PAST COSTS THAT HAVE BEEN ADDRESSED PROGRAM TO DATE]

Definition:

This measure supports the goal of Trust Fund Stewardship by reporting the amount and percentage of recoverable past costs that were addressed versus all recoverable past costs (i.e., past costs eligible for recovery, program-to-date). The Regions are encouraged to address all of the recoverable past costs through enforcement activities so that the maximum amount of recoverable funds can be obtained to support Superfund cleanups.

Recoverable past costs are past costs that are considered potentially recoverable. These costs include EPA direct and indirect costs, plus contractor program management costs which are allocated to sites annually.

Some Superfund past costs are considered unrecoverable, including funds expended at orphan sites, costs that were compromised during previous cost recovery efforts, and costs that were previously written off. Indirect costs over and above those that are recoverable under the current indirect rates are also considered not recoverable.

Past Costs Addressed are costs addressed through administrative settlements, Section 107 or 106/107 judicial referrals including settlements for past costs under a CD, decision documents or 10-point settlement analysis documents not to pursue cost recovery, or bankruptcy filing. Depending on the enforcement action, the "Past Costs Achieved," "Past Costs Written Off," or "Past Costs Sought" must be entered into WasteLAN.

Recoverable Past Costs include all past costs at the site, regardless of cost recovery status or previous cost recovery efforts. Recoverable costs include direct response costs, indirect costs allocated to the site using the applicable indirect rates, an estimate of contractor program management costs as allocated to the site, and any other costs charged to the site, as indicated by the Integrated Financial Management System (IFMS) or the Superfund Cost Organization and Recovery Enhancement System (SCORES).

The percentage of recoverable past costs addressed is the amount of past costs addressed compared to the estimated total amount of recoverable past costs.

Definition of Accomplishment:

Cost may be addressed through one or more of the following actions:

Administrative Settlements - Credit is given on the date the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery, or the date the Regional Administrator or delegatee signs the AOC or Consent Agreement that recovers 100 percent of the Trust Fund expenditures or settles a claim where the total response cost are less than \$500,000. The accomplishment of the administrative settlement is recorded in WasteLAN as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC (Action Name = Admin Order on Consent), or Consent Agreement (Action Name = Consent Agreement). If the settlement is compromised and total response costs are more than \$500,000, the AOC must be sent to DOJ for approval prior to signature by the Regional Administrator.

Section 107 or 106/107 Judicial Referrals - Credit is given on the date of the Regional Administrator's memo transmitting the referral to DOJ or HQ [Action Name = Litigation (Generic), Section 107 Litigation, or Section 106 & 107 Litigation] as recorded in WasteLAN as the actual start date (Actual Start).

This includes CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component and CD settlements for cost recovery only. For CD settlements for RD/RA with a cost recovery component and CD settlements that were not the result of prior litigation, credit is given on the date of the Regional Administrator's memo transmitting the settlement to DOJ or HQ. This date is reported in WasteLAN as the actual start date (Actual Start) of the CD (Action Name = Consent Decree). For CD settlements that are for cost recovery only and result from a previous litigation referral, the actual start date (Actual Start) is not reported in WasteLAN. Only the lodged (SubAction Name = Lodged by DOJ) and entered (SubAction Name = Entered by Court) SubActions, the SubAction actual completion date (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of the CD is the date it is entered by the court.

Decision Documents not to Pursue Cost Recovery - Credit is given when the decision document (Action Name = Cost Recvry Decsn Docmt - No Sue) is signed by the Regional office and recorded in WasteLAN as the actual completion date (Actual Complete). The decision not to pursue cost recovery also may be documented in a 10-point settlement analysis. For both the Cost Recovery Decision Document Not to Sue and the enforcement instrument 10-point settlement analysis, the past costs that will not be recovered (Past Costs) and the reason(s) the costs were written off should be reported in WasteLAN.

Bankruptcy Filing - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by the summary of the meeting. These dates are reported in WasteLAN as the SubAction "Creditors Committee Meeting" and/or "Bankruptcy Strategy Package" actual completion dates (Actual Complete). These SubActions are entered with the Claim in Bankruptcy action. For each Claim in Bankruptcy, the "Past Costs Sought" must be entered into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

Administrative settlements may be signed by the Regional Administrator or delegatee. The WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens. "Response Action Costs Written Off" is no longer a requirement for Decision Document not to Pursue Cost Recovery.

Special Planning/Reporting Requirements:

This is a program measure. See Definition and Definition of Accomplishment.

NUMBER AND AMOUNT OF CERCLA PENALTIES ASSESSED

Definition:

This measure supports the goal of Trust Fund Stewardship by providing information on the amount and number of final CERCLA penalties assessed. The measure identifies monies that are provided for the Trust Fund as a result of penalties assessed for violations of the CERCLA statute. The measure also supports the systematic reporting on the programmatic impacts of compliance and enforcement.

This measure is expressed as the dollar amount of the final assessed penalty under CERCLA. For civil judicial cases, this amount is the penalty assessed against the defendant(s) as specified in the Consent Decree or Court Order entered by the court or agreed to by the defendant(s). For administrative cases, it is the penalty agreed to in the final AOC or assessed directly by EPA under Section 109(a) and (b) of CERCLA.

The number of CERCLA penalties assessed is the number of civil, judicial, or administrative enforcement actions where a penalty was assessed under a CERCLA statute.

Definition of Accomplishment:

- The number of CERCLA penalties assessed is the total number of enforcement actions (CDs, AOCs, judgements, or court orders) where a penalty was assessed under a CERCLA statute, including actions that are only for CERCLA or multi-media actions that contain a CERCLA component.
- The value of CERCLA penalties assessed is the total dollar amount of penalties assessed under the CERCLA statute for violations of requirements contained in civil, judicial, and administrative enforcement actions. If the enforcement action consists of multi-media actions, this measure will only include the amount that is assessed under the CERCLA statute, to the extent that it can be specified.

Changes in Definition FY 98 - FY 99/00:

Deleted UAOs. WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

The "Penalty Assessed Amount" should be entered into WasteLAN through the Compliance screens associated with the enforcement instrument. The number and value of CERCLA penalties will be obtained from the Office of Compliance using information reported in the Enforcement Docket System. This is a program measure.

NUMBER AND AMOUNT OF CERCLA SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

Definition:

SEPs are environmentally beneficial projects which a violator agrees to undertake in settlement of an enforcement action, but which the violator is not otherwise legally required to perform. The SEP could be for public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, emergency planning and preparedness, or other program-specific projects.

This measure supports the goal of Trust Fund Stewardship by measuring the number and value of SEPs under CERCLA. The measure provides the opportunity for the violator to undertake environmentally beneficial projects that will potentially prevent the creation of additional Superfund sites, thus avoiding the need for using Trust Fund monies for future cleanups. The measure also supports the systematic reporting on the programmatic impacts of compliance and enforcement.

Definition of Accomplishment:

- The number of CERCLA SEPs is the total number of cases where a SEP was agreed upon under a CERCLA statute, including cases that are only for CERCLA or multi-media cases that contain a CERCLA component.
- The value of the CERCLA SEPs agreed upon is the estimated value of the SEP under the CERCLA statute for civil, judicial, and administrative enforcement actions. If the action is a multi-media action, the SEP will be the total value for all media not just media covered under CERCLA.

Changes in Definition FY 98 - FY 99/00:

WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

The following information should be entered into WasteLAN through the Compliance screens associated with the enforcement instrument: the SEP "EPA Estimated Value" and SEP "Category." The number and value of SEPs agreed upon under CERCLA will be obtained from the Office of Compliance using the information reported in the Enforcement Docket System. This is a program measure.

COMPLIANCE MONITORING: NONCOMPLIANCE WITH ACTIVE ENFORCEMENT INSTRUMENT FOR RESPONSE AND ENFORCEMENT ACTIONS [FORMERLY KNOWN AS NONCOMPLIANCE WITH CONSENT DECREES, ADMINISTRATIVE ORDERS ON CONSENT, AND UNILATERAL ADMINISTRATIVE ORDERS AND FORMERLY KNOWN AS NONCOMPLIANCE WITH CONSENT DECREES, ADMINISTRATIVE ORDERS ON CONSENT, AND UNILATERAL ADMINISTRATIVE ORDERS THAT HAS BEEN ADDRESSED]

Definition:

This measure identifies the number and percentage of enforcement instruments where PRPs have not complied with a requirement of the instrument, and where the EPA has either taken no enforcement action, planned enforcement action, or taken action to address violations. Enforcement instruments include only CDs, AOCs, and UAOs with a response action component. "Noncompliance" is defined as the PRP being in violation of a provision(s) of an enforcement instrument, or a provision(s) of an incorporated reference document such as a work plan.

Definition of Accomplishment:

This measure is to be reported on a quarterly fiscal year basis for each type of formal enforcement instrument as follows:

- **Consent Decrees** - The number of active lodged CDs (Action Name = Consent Decree) with response action provisions (Response Actions Achieved) where the settling PRP has failed or refused to comply with one or more provisions of the active entered CD, or with provisions of any other document incorporated by reference (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The actual date (Actual Complete) the CD is entered (Sub Action Name = Entered by Court) is the earliest date that could trigger the settling PRP's response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The following universes will be reported (Regionally and Nationally): a) the number and percentage of active signed CDs with response action provisions that qualify as being "In Violation" (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken) calculated relative to the total number of active CDs with response action provisions; b) the number and percentage of active entered CDs with response action provisions in violation, where action is taken (Compliance Status = In Violation - Action Taken) calculated relative to the total number of active entered CDs with response action provisions where there are violations (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, and In Violation - Action Taken).

- **Administrative Orders on Consent (AOCs)** - The number of active signed AOCs (Action Name = Administrative Order on Consent) with response action provisions (Response Actions Achieved) where the PRP has failed or refused to comply with any provision of the AOC, or provisions of any other document incorporated by reference (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The date the Regional Administrator signs the AOC (Actual Complete) is the earliest date that could trigger the settling PRPs response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The following universes will be reported (Regionally and Nationally): a) the number and percentage of active signed AOCs with response action provisions that qualify as being "In Violation" (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken) will be calculated relative to the total number of active signed AOCs with response action provisions; b) the number and percentage of active signed AOCs with response action provisions in violation, where action is taken (Compliance Status = In Violation - Action Taken) calculated relative to the total number of active signed AOCs with response action provisions where there are violations (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, and In Violation - Action Taken).

- **Unilateral Administrative Orders (UAOs)** - The total number of active UAOs (Action Name = Unilateral Administrative Order) with response action provisions (Response Actions Achieved) where the PRP has failed or refused to comply with any provision of the UAO, or provisions of any other document incorporated by reference (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The date the Regional Administrator signs the UAO (Actual Complete) is the earliest date that could trigger the settling PRPs response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The following universes will be reported (Regionally and Nationally): a) the number and percentage of active signed UAOs with response action provisions that qualify as being "In Violation" (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken) will be calculated relative to the total number of active signed UAOs with response action provisions; b) the number and percentage of active signed UAOs with response action provisions in violation, where action is taken (Compliance Status = In Violation - Action Taken) calculated relative to the total number of active signed UAOs with response action provisions where there are violations (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, and In Violation - Action Taken).

An enforcement instrument is active until the provisions of the instrument or another document incorporated by reference is completed including payment provisions and monitoring (with the exception of any activity related to record retention). (The CD, AOC, or UAO has a Compliance Status of "Closed Order/Settlement".) In addition, a UAO that is converted to a CD is no longer active.

Changes in Definition FY 98 - FY 99/00:

This measure combines the two measures found in the FY 98 SPIM of Noncompliance with Consent Decrees, Administrative Orders on Consent, and Unilateral Administrative Orders and Noncompliance with Consent Decrees, Administrative Orders on Consent, and Unilateral Administrative Orders That Have Been Addressed. WasteLAN data entry requirements reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

This is a program measure. Regions must enter the Current FY/Q and the Compliance Status for all enforcement instruments on a quarterly basis. The Compliance Status is based on the compliance status of the individual milestones of the enforcement instrument.

The "Response Actions Achieved" for the enforcement instrument must be entered into WasteLAN.

The universes of enforcement instruments where PRPs are in compliance (Compliance Status = In Compliance), in violation (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken), or compliance status is unknown (Compliance Status = Unknown) with respect to the requirements of the instrument, will be calculated quarterly.

FY 99/00 TARGETS AND MEASURES FOR ENFORCEMENT REFORMS

OVERVIEW OF ENFORCEMENT REFORMS

Over the past several years, EPA's Superfund Enforcement Program has been very successful in reaching settlements with PRPs and issuing UAOs. PRPs now conduct the majority of cleanups throughout the United States.

Despite this success, the Superfund program has been criticized in the past by the Inspector General (IG), General Accounting Office (GAO), the PRP community, and the general public. To improve the Superfund program pending reauthorization by the U.S. Congress, EPA has issued three rounds of administrative reforms. These rounds highlight enforcement reforms, improved cleanup effectiveness and efficiency, expanded community involvement and environmental justice, and enhanced State and local government roles in the Superfund program. In October, 1995, EPA issued the third round of Superfund Reforms. These reforms were intended to assist Regions, State and local governments, communities, and private parties involved in Superfund cleanups to more easily make cost effective choices that protect human health and environment. The reforms also sought to increase fairness, reduce transaction costs and help communities to become more involved and informed during the cleanup decision making phase of the process.

The initial Measures of Success (MOS) were developed in FY 96 to address these reform requirements. Additional measures were added in FY 97 to address the third round of reforms. Two of the measures were identified as targets in FY 98. These measures seek to provide a more complete picture of enforcement-related successes and accomplishments at Superfund sites.

Note: Information that is in bold and italicized type is currently being translated into discrete, reportable data elements. It cannot be reported in WasteLAN as of the date of distribution of this manual.

DEFINITIONS OF ENFORCEMENT REFORMS

USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)

Definition:

This measure reports the number of sites where ADR techniques are employed in an attempt to reach settlement under CERCLA or to resolve disputes over cleanup standards and Applicable or Relevant and Appropriate Requirements (ARARs). Sites using ADR tools are divided into two categories: sites where the Agency employs and funds ADR in the CERCLA process; and sites where the Agency supports private party use of ADR in the CERCLA process. It does not include cases where the private parties use ADR without the Agency's support. This measure includes use of ADR in disputes regarding allocation of liability; in disputes with PRPs regarding alleged noncompliance with a settlement agreement; and in disputes with States and tribes regarding ARARs and cleanup standards. This measure will report site-specific use of ADR.

Definition of Accomplishment:

Credit is given for ADR activities when:

- ***Allocation of Shares of Responsibility*** - The parties involved choose a neutral allocator. The date on which the allocator is chosen is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Allocation" should also be entered.

- **Arbitration** - The parties involved in binding or advisory negotiation (in a judicial setting) choose an arbitrator. The date on which the arbitrator is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Arbitration" should also be entered.
- **Convening** - A neutral third party is selected to organize disputants for negotiations, assist them in the decision to use ADR, and assist in the selection of an ADR professional. The date on which the neutral third party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Convening" should also be entered.
- **Fact Finding** - A specialized neutral party with subject matter expertise is selected to resolve technical or factual issues. The date that the specialized neutral party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Fact Finding" should also be entered.
- **Mediation** - The parties select a neutral third party with no decision-making authority to assist during non-binding negotiations. The date on which the neutral party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Mediation" should also be entered.
- **Mini-Trial** - The involved parties begin the mini-trial. The date on which the mini-trial begins is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Mini-Trial" should also be entered.
- **Neutral Evaluation** - A neutral party is selected to assist a negotiation team in evaluating the potential for settlement or use of ADR professionals. The date on which the neutral party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Neutral Evaluation" should also be entered.
- **Settlement Judge** - A settlement judge (other than the one hearing the case) is selected (or agreed upon) to act as a mediator during the negotiation and settlement discussions of the parties. The date on which the settlement judge is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR type of "Settlement Judge" should also be entered.

Changes in Definition FY 98 - FY 99/00:

This measure does not include cases where the private parties use ADR without Agency support.

Special Planning/Reporting Requirements:

This is a Federal enforcement-lead (FE) activity with an action name of "Alternative Dispute Resolution". The response actions being discussed during the ADR process ("Response Actions Selected") and the ADR type are to be entered into WasteLAN. Credit will be based on the start date (Actual Start) of the ADR (Action Name = Alternative Dispute Resolution). This is a GPRA measure.

NUMBER OF SETTLEMENTS WHERE EPA SETTLED BASED ON ABILITY-TO-PAY DETERMINATIONS

Definition:

The measure will help assess the extent to which EPA is using ability-to-pay determinations to achieve its goal of Enforcement Fairness. The measure will report the number of administrative or judicial settlements that are reached under CERCLA with PRPs qualified as limited ability-to-pay parties. This type of settlement results in: (1) PRPs paying less than their respective portion of the cost for site cleanup based on an ability-to-pay determination; (2) Payment over time for parties with limited ability to raise annual revenues; or (3) Parties providing in-kind service in lieu of cash payments.

Definition of Accomplishment:

Total ability-to-pay settlements are counted as follows:

- When an AOC (Action Name = Admin Order on Consent) with the ability-to-pay PRPs is signed by the Regional Administrator or delegatee and reported in WasteLAN as the actual completion date (Actual Complete).
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) signed by the ability-to-pay parties (and the Regional Administrator) to DOJ or HQ as reported in WasteLAN as the actual start date (Actual Start).

Changes in Definition FY 98 - FY 99/00:

The Regional Administrator or delegatee may sign the AOC. WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

The following information should be entered into WasteLAN:

- An Enforcement Instrument Category Selected of "Ability to Pay";
- "Past Cost Achieved" and "Response Actions to be Reimbursed" or "Other Activities for Cost Recovery"; and/or
- "Cashout Funds Achieved" and "Response Actions Achieved".

This is a GPRA measure.

PROSPECTIVE PURCHASER AGREEMENTS (PPAs)

Definition:

This measure will report progress toward the goals of Enforcement Fairness and redevelopment of contaminated properties. Redevelopment of contaminated properties is facilitated by providing protection from CERCLA liability to prospective purchasers of contaminated property.

This measure counts the total number of AOCs or Consent Agreements that include prospective purchaser provisions.

For EPA to consider entering into a PPA, the agreement must result in: (1) A substantial direct benefit to the Agency in terms of cleanup or funds for cleanup; or (2) A substantial indirect benefit to the community coupled with a lesser direct benefit to the Agency.

Definition of Accomplishment:

Credit is given based on the date (Actual Complete) the AOC or Consent Agreement (Action Name = Admin Order on Consent or Consent Agreement) is signed by the Regional Administrator or delegatee. Regions also must enter the Enforcement Instrument Category to indicate a PPA (Enf Instrument Category Selected = Prospective Purchaser Agreement).

Changes in Definition FY 98 - FY 99/00:

The AOC or Consent Agreement may be signed by the Regional Administrator or delegatee.

Special Planning/Reporting Requirements:

For each settlement, the Region should enter the following information into WasteLAN "Estimated Present Worth Value" and/or "Cashout Funds Achieved" and "Response Actions Achieved;" and/or "Past Cost Achieved", "Response Actions to be Reimbursed", and/or "Other Activities for Cost Recovery"; and an Enforcement Instrument Category Selected of "Prospective Purchaser Agreement". This is a GPRA measure.

ISSUANCE OF COMFORT/STATUS LETTERS**Definition:**

This measure supports the Superfund Reform goals of brownfields cleanup and redevelopment, by identifying situations where the Agency can provide information to parties interested in purchasing, developing, or operating on Brownfields properties and provide some assurance regarding the potential for an EPA action at the property. Comfort/status letters are intended solely for informational purposes and only communicate EPA's intent with regard to enforcement or response authorities. Comfort/status letters do not provide a release from CERCLA liability, and therefore, are not considered no action assurances. The following qualify as comfort/status letters:

- "No Previous Federal Superfund Interest Letter" - is a letter provided to parties when there is no historic proof of Superfund Program involvement at the property/site in question.
- "No Current Federal Superfund Interest Letter" - is provided to parties interested in a property/site which has been "archived" and is no longer in WasteLAN; a property/site which has been deleted from the NPL; or a property/site which is near, but not within the boundaries of a Superfund site.
- "Federal Interest Letter" - is provided to parties interested in a property/site where the EPA is either already responding in some manner, or plans to respond in the future. This letter also provides language reassuring a party that a particular EPA policy, based on the information known to EPA applies to that party's circumstances.
- "State Action Letter" - is provided to parties interested in a property/site where the state has the lead for oversight of response actions.

Definition of Accomplishment:

A comfort/status letter is accomplished the day it is signed by the appropriate Regional or State Official.

Changes in Definition FY 98 - FY 99/00:

This is a new GPRA measure.

Special Planning/Reporting Requirements:

This is a GPRA measure. To keep reporting requirements to a minimum, Regions will only be required to enter the number of comfort/status letters signed.

ORPHAN SHARE - EPA OFFER AND COMPENSATION

Definition:

This measure reports on EPA efforts to compensate parties for the portion of the response costs attributable to insolvent and defunct parties (orphan share).

For negotiations and settlements that include RD/RA or time-critical or NTC removals, this measure will report: 1) the number of negotiations where EPA offered to compensate for a portion of the orphan share; 2) the Maximum Amount Appropriate for Compensation (MAAC) under the 1996 Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals; 3) the actual amount of compensation offered (could be MAAC or less than MAAC); 4) the number of settlements where EPA compensated for a portion of the orphan share; and 5) the actual dollar amount of the orphan shares compensated by EPA.

Orphan share compensation offers are subject to the adequacy of cleanup program funding. The method for determining the appropriate compensation to be offered by EPA is provided in the "Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals" dated June 3, 1996.

Definition of Accomplishment:

Credit is given at sites for negotiations where EPA **offered** to compensate for a portion of the orphan share as follows:

- The General Notice Letter (GNL) (for removals), first Special Notice Letter (SNL), or Letter of Eligibility for Orphan Share Compensation (for on-going negotiations) is signed by the appropriate EPA official. This date is reported in WasteLAN as the actual start date (Actual Start) of negotiations [Action Name = RD/RA Negotiations, Removal Negotiations, or Negotiations (Generic)] and the actual completion date (Actual Complete) of the appropriate SubAction (SubAction Name = General Notice Issued, Special Notice Issued, or Eligibility Letter Issued); or
- A Section 122(a) waiver of SNL signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in WasteLAN as the actual start date (Actual Start) of negotiations [Action Name = RD/RA Negotiations, Negotiations (Generic), or Removal Negotiations] and the actual completion date (Actual Complete) of the SNL waiver (SubAction Name = Notice of S 122 Waiver Issued).

Credit is given at sites where EPA **compensated** for a portion of the orphan share as follows:

- A CD (Action Name = Consent Decree) and a 10-point analysis for RD or RA is signed under Section 106, 106/107, 104(a), or 104(b). The date when the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator, to DOJ is reported in WasteLAN as the actual start date (Actual Start); or
- An AOC (Action Name = Admin Order on Consent) for a time-critical or NTC removal is signed by the Regional Administrator or delegatee. The date on which the AOC is signed is reported in WasteLAN as the actual completion date (Actual Complete). For AOCs that are amended to include a time-critical or NTC removal, the SubAction "Enforcement Activity Amended" and the SubAction actual completion date (Actual Complete) must be entered into WasteLAN. To signify that the AOC has been amended, the amended instrument flag (Amended Instrument?) and the "Response Actions Added" must be entered.

Changes in Definition FY 98 - FY 99/00:

The AOC may be signed by the Regional Administrator or delegatee. Changes were made to reflect the MAAC under the FY 1996 guidance.

Special Planning/Reporting Requirements:

Orphan share offered compensated settlements is a GPRA measure. The applicable "Response Actions Achieved," and "Law/Section Selected" must be entered into WasteLAN. *Indicators on the existence of an orphan share at a site include whether an orphan share package was offered or compensated by EPA, the MAAC, the past costs offered and compensated by EPA, and the anticipated future costs to be compensated by EPA will be added to WasteLAN.*

USE OF INTEREST BEARING SPECIAL ACCOUNTS**Definition:**

This measure will help assess the extent to which EPA is able to use Special Accounts under CERCLA Section 122(b)(3) in its efforts to increase fairness and promote PRP settlements. Special Accounts became interest-bearing in FY 96. EPA is able to retain and apply the interest from these accounts to clean up the site at which the settlement occurred. Funds deposited in Special Accounts are immediately accessible for response costs, but may only be used to support response actions at the site(s) covered by the settlement. This type of arrangement gives EPA more flexibility in settling the response costs that performing PRPs are required to pay and promotes fairness by providing a way for non-performing parties, especially small parties, to contribute to the response without long-term involvement. Funds deposited into a special account may be the result of future costs achieved under *de minimis*, de micromis, or cashout settlements. Refer to *De Minimis* Settlements and Number of Parties, De Micromis Settlements and Number of Parties, and Cashout Settlements for more information.

For all CERCLA settlements where PRPs agree to make cash payments toward future response costs at a site (cash out), the measure will report the following:

- The total number of settlements, and the amount of future response costs achieved;
- The number of settlements which designate funds to Special Accounts;
- The percentage of settlements that also require funds to be deposited in Special Accounts;
- The amount of funds deposited in Special Accounts; and
- The percentage of the dollars dedicated to future work that are deposited in Special Accounts.

Definition of Accomplishment:

This measure counts all settlements where any part of a PRP cash settlement is for future costs as follows:

- A signed CD (Action Name = Consent Decree) under Section 107 or 106/107 that includes a cashout provision. The date on which the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator, to DOJ or HQ is reported in WasteLAN as the actual start date (Actual Start); or
- An AOC or Consent Agreement (Action Name = Admin Order on Consent or Consent Agreement) that includes a cashout provision. The date the Regional Administrator or delegatee signs the AOC or Consent Agreement is reported in WasteLAN as the actual completion date (Actual Complete).

WasteLAN will be changed to allow Regions to indicate that the *enforcement instrument includes provisions for establishing a special account and cashout funds designated to a Special Account.*

The percentages will be calculated as follows:

- The percentage of cash settlements that contain provisions for payment of future response costs that also require these funds to be deposited in Special Accounts is the number of settlements that designate future response costs to Special Accounts divided by the number of settlements that contain provisions for payment of future response costs.
- The percentage of dollars dedicated to future work that are deposited in Special Accounts is the total dollars in Special Accounts under all settlements divided by the total cash out dollars achieved under all settlements that contain provisions for payment of future response costs.

Changes in Definition FY 98 - FY 99/00:

The administrative enforcement instruments may be signed by the Regional Administrator or delegatee. Identified all the data elements that need to be added to WasteLAN for full reporting under this measure. WasteLAN data entry requirements reflect the redesign of the Enforcement Instrument screens. Deleted the requirement to enter the Special Account Established SubAction.

Special Planning/Reporting Requirements:

Data that must be entered into WasteLAN for these settlements include:

- Cash Out Funds Achieved;
- Enforcement Instrument Category (Enf Instrument Category Selected = Cashout;
- Response Actions Achieved; and
- Law/Section Selected.

This is a GPRA measure. The date (Actual Complete) the Special Account is established (SubAction Name = Establish Special Account) may be entered as a SubAction to the CD, AOC or Consent Agreement. This is not an accomplishment requirement.

ISSUE CLEANUP ORDERS TO PARTIES IN AN EQUITABLE MANNER

Definition:

This measure shall support the Superfund Reform goal of enforcement fairness by seeking to ensure reasonable and fair issuance of Unilateral Administrative Orders (UAOs) in accordance with the memorandum dated August 2, 1996, which establishes procedures for documenting reason(s) for not issuing CERCLA 106 UAOs to certain PRPs. The Agency's policy on who should receive UAOs remains that: UAOs should be issued to the "largest manageable number" of PRPs, following consideration of the three major factors listed below.

- Evidence of the PRP's potential liability,
- Financially viability of PRP, and
- PRP's contribution to the site. (e.g., volumetric contribution or contribution in the form of prior work).

Definition of Accomplishment:

This measure will include both NPL and non-NPL sites and will report:

- The number of Unilateral Administrative Orders issued at the site. Credit is given on the date a UAO is signed by the Regional Administrator or delegatee for RD/RA, groundwater monitoring activities post ROD, institutional controls, or time-critical or NTC removal. This date is reported in WasteLAN as the actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order).
- The total number of parties receiving the UAO.
- The number of parties excluded from the UAO.

The following information must be entered into WasteLAN:

- PRPs that were issued the UAO (Parties Associated with Site that were Selected); and
- Response Actions Achieved under the UAO.

When available in WasteLAN, *the PRPs that were excluded from the UAO* and one or more of the following reasons why the PRP was **not** issued a UAO:

- Financially Non-Viable;
- Lack of Evidence;
- Minor Contributions to Site Conditions;
- Contributed "Fair Share"; and
- Manageability Concerns.

Changes in Definition FY 98 - FY 99/00:

The UAO may be signed by the Regional Administrator or delegatee. The WasteLAN data entry instructions reflect the design of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

This is a GPRA Target/Annual Performance Goal.

DE MICROMIS SETTLEMENTS AND NUMBER OF PARTIES**Definition:**

This measure reports the total number of administrative or judicial settlements that are reached solely under Section 122 of SARA, with PRPs qualified as de micromis. It is rather unusual in that it measures success inversely. The lower the number of de micromis settlements, the more successful the Agency's de micromis policy.

Definition of Accomplishment:

De micromis settlements include:

- An AOC (Action Name = Admin Order on Consent) signed by the Regional Administrator or delegatee, as reported in WasteLAN, as the actual completion date (Actual Complete).
- When the Regional Administrator signs the memorandum transmitting the Consent Decree (Action Name = Consent Decree), signed by the de micromis parties and the Regional Administrator to DOJ or HQ, as reported in WasteLAN, as the actual start date (Actual Start).

The number of signatories to the settlement will be system generated in WasteLAN from the identification of the PRPs associated with the settlement.

The following information should be entered into WasteLAN:

- Enf Instrument Category Selected of De Micromis;
- Law/Section Selected of CERCLA 122(g) or 122(h);
- PRPs or PRP group that signed settlement (PRPs Associated with Enforcement Instrument or PRP Groups Associated with Enforcement Instrument); and

To indicate the de micromis parties that signed the settlement, the following information must be entered for each party on the Involvement screen:

- PRP Involvement Status of "De Micromis Party"; and
- Involvement Type of "Owner", "Generator" or "Transporter".

Changes in Definition FY 98 - FY 99/00:

The AOC may be signed by the Regional Administrator or delegatee. Added CERCLA Section 122(h) to the Law/Section Selected. WasteLAN data entry instructions reflect the redesign of the Enforcement Instrument screens.

Special Planning/Reporting Requirements:

Accomplishments count toward the Superfund Reform "Measures of Success" for de micromis settlements. While EPA will enter into de micromis settlements when requested, the ultimate measure of success of this policy will be that de micromis parties are no longer pursued and there is no need to enter into such settlements (see above). This is a GPRA measure.

Dollars received in a de micromis cashout settlement should be deposited in an interest bearing special account. See the measure, Use of Interest Bearing Special Accounts, for more information.

The number of signatories to the settlement will be system generated from the identification of the PRPs associated with the settlement.

See Enforcement Targets and Measures for De Minimis Settlements and Number of Parties.

PRP OVERSIGHT ADMINISTRATION

Definition:

This measure assesses EPA's efforts to maximize the effectiveness and efficiency of its efforts to oversee PRP activities while still ensuring that high quality cleanups are conducted by PRPs and that the public's interest is protected. Successful PRP oversight administration results from the use of good working relationship practices that may save oversight as well as overall cleanup time/costs for the Superfund program and PRPs. Good working relationship practices include, but are not limited to:

- Oversight kick-off meetings at which EPA describes its expectations for PRP performance and oversight;
- Annual end-of-year discussions during which EPA and PRPs review the past year's oversight activities and discuss future work and oversight expectations;
- Inclusion of States who have an oversight role in oversight discussions to minimize duplication of oversight efforts;
- Regular communication between PRPs and EPA on the progress of work and the oversight being conducted;
- Timely communication with PRPs when the level of oversight is increased or decreased and reasons for such changes; and
- Timely oversight billing to PRPs that includes explanation of oversight activities conducted during the billing period, and delineation of EPA's direct in-house costs, indirect costs, extramural site-specific costs, and annual allocation costs.

Meetings on oversight expectations should include, to the extent practicable, discussion of: 1) oversight activities anticipated during the next billing period; 2) possible oversight costs to be incurred (which should include consideration of projected direct oversight, State oversight, other enforcement-related, indirect, and annual allocation costs for the site, or an estimate based on the Region's oversight experience at other sites; 3) PRP feedback about the planned oversight; 4) consideration of other stakeholder interests; and 5) parameters for EPA decisions to reduce or increase oversight.

The concept of PRP oversight administration extends the scope of the July 31, 1996, OSWER Directive (No. 9200.4-15) "Reducing Federal Oversight at Superfund Sites with Cooperative and Capable Parties." This guidance provides criteria for determining whether PRPs are capable and cooperative, and requires Regions to identify candidate sites for reduced EPA oversight.

Definition of Accomplishment:

The following site-eligibility criteria should be used as an initial screen to identify sites that are eligible for this measure. Once sites pass through this initial screen, the Regions will determine whether the sites should participate in this reform based upon the PRPs' cooperativeness and capability, as well as, site-specific criteria. For any site that the Region believes should be included in this reform but does not meet the following criteria, the Region must document the rationale for including the site. Sites eligible for this measure should:

- Be in the removal, RI/FS, RD, RA, or Long-Term Remedial Action (LTRA) phase of cleanup;
- Be PRP-lead under Federal oversight; **and**
- Have an AOC, CD, or other enforcement document in place that anticipates EPA will bill PRPs during this fiscal year.

The target for this reform is the number of sites for which the Regions will accomplish the following objectives:

- 1) a) Conduct a kickoff meeting to discuss EPA's expectations for PRP performance and planned oversight activities, including cost estimates (required for PRPs newly participating in reform); **or**
b) Conduct an end-of-year discussion with the PRPs on previous and planned oversight activities, including cost estimates (required for PRPs continuing to participate in reform); **and**
- 2) Issue an oversight bill to the participating capable and cooperative PRPs; **and**
- 3) Send a letter to the PRPs documenting EPA's expectations for planned oversight, including any anticipated reductions in oversight costs and/or describing efforts to control/reduce oversight during the billing period, whichever is applicable.

The date of the accomplishment for this reform is the latest of the dates documenting completion of each of the actions. In exceptional circumstances (e.g., the Region does not have an enforceable agreement to bill the PRPs for oversight or the agreement specifies that the oversight bill will be issued at the end of the project, which will occur in a later fiscal year), the Region may document its rationale to achieve the accomplishment without sending a bill to the PRPs during the calendar year.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements

For sites included in this measure during FY 99/00, Regions will use a manual reporting form, to be provided by Headquarters, for reporting achievement of the accomplishment.

In addition to providing documentation to achieve the accomplishment of this reform, the Regions should also document to the file any decision, including the rationale, for terminating a PRP's participation in this reform. This is a program measure.

EXHIBIT C.2 (1 of 5)
ENFORCEMENT PLANNING REQUIREMENTS

| Planning Requirements | PRP Search Starts | PRP Search Completions | Section 104(e) Letters Issued | Receipt of Responses for Section 104(e) Letters | Section 104(e) Referrals and Orders Issued |
|---|--------------------------|-------------------------------|--------------------------------------|--|---|
| GPRA Target/Annual Performance Goal? | - | - | - | - | - |
| GPRA or Program Measure/Target? | Program Measure | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | Yes | No | No | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Whole Site | Whole Site | Whole Site |
| Reported Site-Specifically or in non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Enforcement | N/A | N/A | N/A | Enforcement |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A | N/A |
| Basis for AOA? | Site-Specific Plans | N/A | N/A | N/A | Site- or non-Site Specific Plans |

EXHIBIT C.2 (2 OF 5)
ENFORCEMENT PLANNING REQUIREMENTS

| Planning Requirements | Issuance of General Notice Letters | Issuance of Special Notice Letters | ESI/RI/FS Negotiation Starts | RD/RA Negotiation Starts | Completion or Termination of Negotiations for RD/RA |
|---|---|---|---|---|--|
| GPRA Target/Annual Performance Goal? | - | - | - | - | - |
| GPRA or Program Measure/Target? | Program Measure | Program Measure | Program Measure | GPRA Measure | GPRA Measure |
| Planned Site-Specifically? | No | No | Yes | Yes | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund- Financed? | N/A | N/A | Enforcement | Enforcement | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A | N/A |
| Basis for AOA? | N/A | N/A | Site-Specific Plans | Site-Specific Plans | N/A |

EXHIBIT C.2 (3 OF 5)
ENFORCEMENT PLANNING REQUIREMENTS

| Planning Requirements | Completion or Termination of Negotiations for Cleanup (RD/RA, Removals, and Other) | State Orders for ESI/RI/FS | State Consent Decrees for RD/RA | Total Response Commitments (Including Dollar Value) | <i>De Minimis</i> Settlements and Number of Parties |
|---|---|-----------------------------------|--|--|--|
| GPRA Target/Annual Performance Goal? | - | - | - | Yes | Yes |
| GPRA or Program Measure/Target? | Program Target | Program Measure | Program Measure | - | - |
| Planned Site-Specifically? | Yes | No | No | Yes | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | N/A | N/A | N/A | Enforcement | Enforcement |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A | N/A |
| Basis for AOA? | N/A | N/A | N/A | Site-Specific Plans | Site-Specific Plans |

EXHIBIT C.2 (4 OF 5)
ENFORCEMENT PLANNING REQUIREMENTS

| Planning Requirements | Cash Out Settlements | Section 106, 106/107, 107 Case Resolution | Administrative Record for Selection of Response Action | Issuance of Demand Letter | Total Cost Recovery Settlement (Including Dollar Value) |
|---|-----------------------------|--|---|----------------------------------|--|
| GPRA Target/Annual Performance Goal? | - | - | - | - | Yes |
| GPRA or Program Measure/Target? | Program Measure | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | No | No | No | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit | Operable Unit or Whole Site | Operable Unit or Whole Site |
| Reported Site-Specifically or in non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Enforcement | N/A | Enforcement or Other Response | N/A | Enforcement |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A | N/A |
| Basis for AOA? | Site-Specific Plans | N/A | Site- or non-Site Specific Plans | N/A | Site-Specific Plans |

EXHIBIT C.2 (5 OF 5)
ENFORCEMENT PLANNING REQUIREMENTS

| Planning Requirements | Past Costs Addressed \geq \$200k via Settlements, Write-Offs, or Referrals | Recoverable Past Costs That Have Been Addressed by Program to Date Via Settlements, Write-Offs, or Referrals | Number and Amount of CERCLA Penalties Assessed | Number and Amount of CERCLA Supplemental Environmental Projects (SEPs) | Compliance Monitoring: Noncompliance with Active Enforcement Instrument for Response and Enforcement Action Taken |
|---|--|---|---|---|--|
| GPRA Target/Annual Performance Goal? | Yes | - | - | - | - |
| GPRA or Program Measure/Target? | - | GPRA Measure | Program Measure | Program Measure | Program Measure |
| Planned Site-Specifically? | Yes | No | | | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit or Whole Site | Operable Unit or Whole Site | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |
| AOA Category, if Fund-Financed? | Enforcement | N/A | N/A | N/A | N/A |
| AOA Category for Oversight? | N/A | N/A | N/A | N/A | N/A |
| Basis for AOA? | Site-Specific Plans | N/A | N/A | N/A | N/A |

NOTE: Accomplishments are pulled from WasteLAN on a quarterly basis. Measures are planned and reported quarterly.

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Superfund/Oil Program Implementation Manual FY 99/00

Appendix D: Federal Facilities

July 1, 1998

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July 1, 1998

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APPENDIX D FEDERAL FACILITIES PRIORITIES

OVERVIEW

To manage the Superfund Federal facilities program, the Federal Facilities Enforcement Office (FFEO) and the Federal Facilities Restoration and Reuse Office (FFRRO) use the Federal Facilities Leadership Council (FFLC) to help identify and resolve issues unique to the management of EPA's Federal facility program. The FFLC is comprised of Superfund and/or the Resource Conservation and Recovery Act (RCRA) program and enforcement/counsel representatives from all Regions, as well as representatives from the Federal facilities Headquarters (HQ) offices and other HQ offices that handle Federal facilities issues. The FFLC is currently co-chaired by FFEO, FFRRO, Region 3, (lead region for Superfund Federal facilities), and Region 1 (lead Region for Base Realignment and Closure (BRAC) program). The FFLC provides a forum for policy advice and direction on various Federal facility program issues.

Federal agencies conducting the cleanups have seen their budgets level out or reduced over the last few years. The FY 99 Department of Defense's (DoD) cleanup budget request is approximately \$1.6 billion—not accounting for work at Base Closing installations, and the FY 99 Department of Energy's (DOE) environmental management budget request is about \$6.1 billion. Cleanups performed under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) comprise about 25 percent of DOE's budget, while Waste Management activities—many of which are CERCLA-like—encompass greater than 50 percent of DOE's budget. Other Federal agencies' budgets are considerably smaller.

With the latest round of Base Realignment and Closure (BRAC 95), there are now approximately 108 Fast Track Cleanup Bases where EPA supports the DoD cleanup and transfer process. For FY 99, DoD provided approximately \$13 million to fund 141 Full Time Equivalent (FTE) positions and related support. Comparatively speaking, this program is 75 percent the size of the Superfund Federal facilities program, excluding the contracts base. While FFRRO has provided specific program implementation guidance for EPA's BRAC Fast Track Program, several of these program management components are reiterated below.

SUPERFUND FEDERAL FACILITY GOALS AND PRIORITIES

Strategic Federal Facility Goals

Superfund Federal facilities activities have high visibility because of the significant threats posed by military and weapons sites, the impact of military base closings, the resources needed to implement DoD/DOE cleanup efforts at facilities listed on the NPL and other non-NPL facilities, and heightened State, tribal and other stakeholder interests. Federal facilities program goals for FY 99/00 are based on a number of related factors, including overall Superfund program community involvement goals, anticipated resource constraints, Congressional interest, and statutory requirements. Program activities and resources should be planned to achieve the following goals of the Federal facilities program's strategic plan:

- ***Involving Citizens in Environmental Decision Making*** - The publication of the *Final Report of the Federal Facilities Environmental Restoration Dialogue Committee* in April 1996 was a watershed event for public involvement in Federal facility cleanups. As a result of the report, Federal agencies are now actively forming Restoration Advisory Boards (RABs) at DoD installations and Site Specific Advisory Boards (SSABs) at DOE facilities. Other Federal agencies are also starting to form advisory boards. EPA Regional and HQ programs need to continue to promote the formation of citizen advisory boards at NPL facilities and support, where requested, the boards. As facility circumstances vary, the level of support will vary as well. Regional staff and management are expected to be especially sensitive to the requests at NPL facilities and at the BRAC Fast Track facilities. Because of resource constraints, participation and support for non-NPL facilities is expected to be minimal. In addition, since many of the communities surrounding the Federal facilities are communities of color, low-income, and have been historically politically and economically disenfranchised, Regions should give

close scrutiny to environmental justice issues at the NPL Federal facilities. Regions need to work closely with State agencies and their Federal counterparts to ensure that the President's Executive Order on Environmental Justice is successfully carried out (E.O. 12898).

- **Enforcing the Laws** - The public needs to know that it will be protected from environmental hazards through vigorous enforcement by the EPA and the States for violations of environmental laws and situations that put people and natural resources at risk. EPA intends to use its Federal facility enforcement authorities not only to compel compliance, but also to promote long-term policy objectives such as greater citizen involvement, pollution prevention, technology development, and natural resource management.
- **Preventing Pollution** - Focus on pollution prevention solutions at the source instead of "at the end of the pipe." Investing in pollution prevention saves money, minimizes environmental liability, and provides legitimate relief from operating under onerous pollution control regulation. Executive Order 12856, signed by President Clinton on August 3, 1993, requires Federal agencies to develop comprehensive pollution prevention strategies and seek to reduce by 50% their emissions of toxic chemicals or toxic pollutants by 1999.
- **Implementation of the Base Closure Five Point Plan** - Pursuant to the Congressional mandate, numerous military bases are undergoing realignment or complete closure, with the potential for severe economic impacts on the affected local communities. Rapid redevelopment and job creation are the top goals of this community reinvestment program, commonly referred to as the "Five Point Plan." The program calls for the Federal government to give priority to local economic redevelopment, provide transition and redevelopment assistance to workers and communities, put cleanup on a Fast Track, provide transition coordinators at major bases scheduled for closure or substantial realignment, and allocate more funds for economic development planning grants.
- **Establishing BRAC Cleanup Teams** - Environmental experts from EPA, DoD, and the State, working as a team, will be assigned to BRAC bases identified by DoD as Fast Track Cleanup sites, i.e., bases with environmental contamination where property will be available for transfer to a community. Decision making authority will be placed at the lowest practical level within each organization, and team members will be empowered to make decisions to expedite the process. The teams will conduct "bottom-up" reviews of the environmental conditions of the base, with the objective of accelerating cleanup while integrating base reuse priorities.

Streamlining Federal Facilities Cleanup and Oversight

Considerable progress has been made in streamlining the cleanup and oversight processes at Federal facilities. FY 99/00 will see continued efforts in this area. To adequately address environmental issues while continuing streamlining and downsizing activities, the following directions were formed to aid in appropriate program management:

- **Lead Regulator** - This guidance was issued on November 7, 1997. It complements RCRA/CERCLA integration guidance and provides the framework for EPA Regions to work closely with their State counterparts to eliminate or minimize overlapping regulatory jurisdictions (RCRA or CERCLA) and establish, to the extent practicable, a lead or sole regulator at a site.

Because the overall goal of the Administration is to build partnerships with the States and have them assume a greater role in protecting human health and environment, Regions should work closely with their States to have them assume a greater lead at Federal facility NPL sites **where they have the capacity, desire, and the ability to do so**. We recognize that each facility has a unique set of circumstances, but we are expecting Regional program offices to make a bona fide effort to work through the lead regulator and oversight issues with their State counterparts.

The guidance recommends that the process focus on up-front scoping and identification of what is actually needed with a bias for document reduction. In general, less documentation should be required at sites that are less complicated, sites that are using presumptive remedies, and sites where EPA, the States and external stakeholders believe that less oversight is required.

- **Prioritization** - This guidance is expected by the end of FY 98. DoD Services and DOE have developed schemes to prioritize site activities based on risk and other factors. EPA needs to work with other Federal agencies, States and outside stakeholders to ensure that the most important activities are being addressed. As budgets are established on an annual basis, Regions should begin to develop approaches for annual review and consider adjusting milestones based on Federal budget constraints, new site information, cleanup progress, and other factors.

There is an important caveat to prioritization. **EPA and the States are not bound to absolutely follow the results of DoD's relative risk model or DOE's qualitative risk evaluation model in establishing milestones; they should only be used to consider the outcomes in setting priorities.** Both DOE's and DoD's approaches for priority setting call for active regulatory and stakeholder involvement. They also call for the explicit consideration of other factors such as existing enforceable agreements, community interest, environmental justice, and project implementation efficiencies. If a particular facility or installation is championing a "lock-step" adherence to their model's outcome, Regions should first work to resolve the issue at the site level; however, if there is no progress, Regions need to bring such situations to the attention of HQ. Based on Regional information, we have identified bases that have misinterpreted DoD guidance and corrections have been made.

Regions should continue to strive to place these priorities and project milestones in enforceable Federal Facility Agreements (FFAs)/Interagency Agreements (IAGs) at NPL sites. FFAs and IAGs should be viewed as living, dynamic documents reflecting not only the best judgments by all parties of cleanup priorities and milestones at the time of agreement, but also that reflect the changing circumstances of environmental cleanup. Regions should consider adding into either existing or new FFAs/IAGs the process for annual review and consider adjusting enforceable milestones.

RCRA ACTIVITIES AT FEDERAL FACILITY NPL SITES

EPA has long recognized that because most of the Federal facilities sites are also active facilities, RCRA requirements may also apply to certain site cleanup activities. **Regions must strive to eliminate RCRA/CERCLA duplications wherever appropriate.** To get a better overall picture of a facility's cleanup activities, FFRRO has integrated into the Government Performance and Results Act (GPRA) and program measures several RCRA activities that are generally analogous with CERCLA activities. They include: RCRA Facility Investigation (RFI); Corrective Measures Study (CMS); Corrective Measure Design (CMD); Interim/Stabilization Measure (ISM); and Corrective Measure Implementation (CMI). FFEO has already accomplished a similar exercise through the Federal Facility Tracking System.

BRAC BUDGET AND FINANCIAL GUIDANCE

Resources and Tracking Mechanisms

Program management guidance is included in the BRAC Fast Track guidance. Beginning in FY 94, DoD provided EPA, via an interagency funding agreement, with reimbursable resources to support EPA's cleanup activities. DoD, EPA, and the Office of Management and Budget (OMB) worked together to develop the details of this agreement, which included 100 additional reimbursable work years for EPA and \$7 million starting in FY 94. In early FY 96, EPA reached agreement with DoD to fund EPA support for BRAC 4 (1995) installations designated as Fast Track Cleanup sites. As a result, interagency funding agreement for BRAC rounds 1, 2, 3 and 4 extends from FY 94 through FY 2000, and totals \$13 million to fund 141 workyears for FY 98.

The majority of EPA's Fast Track resources (92 percent) are invested in the Regions. Regional personnel provide technical assistance and guidance to DoD and States at Fast Track Cleanup sites. EPA uses Base Closure funding for EPA personnel that participate on BRAC Cleanup Teams as either the EPA designated team member or as technical experts and support personnel that assist the teams. EPA relies upon in-house expertise; no BRAC funds are used for contractor support.

Regions are allocated, via a workload model, work years and personnel, travel, and administrative funding. The level of EPA support varies depending on Regional and base specific circumstances. (EPA's base closure workload model takes into account relevant data to assess the environmental condition and economic status of a Fast Track site.)

The Agency monitors these DoD reimbursable resources via the Office of the Comptroller's (OC) Integrated Financial Management System (IFMS), which tracks HQ and Regional expenditures separately for each BRAC round. EPA utilizes site-specific charging to track resource utilization back to actual site work. This separate tracking of BRAC round expenditures is required by BRAC legislation. EPA reports quarterly on their utilization to DoD and annually to the OMB. [OC, Financial Management Division (FMD), Cincinnati, Ohio invoices DoD on actual program obligations incurred by EPA.]

HQ receives regular program activity reports from the Regional offices, every two months, on the progress of work at all Fast Track installations. These reports are generated by the EPA Regional BRAC Cleanup Team personnel and provide HQ and DoD with pertinent program and personnel information related to cleanup and reuse. The OC Budget Division also provides FFRRO with a monthly "BRAC Utilization Report" generated from their agency-wide Resource Management Integration System (RMIS).

This RMIS report details the status of expenditures by the Regional Base Closure resources, work years, personnel, travel, and administrative funding. This reporting is done for overall program management purposes and to track resource expenditures in each BRAC round. Regional Waste Management Directors are provided copies of the reports and are expected to monitor the use of all BRAC resources within their respective Region.

Accountability for Resources

BRAC reimbursable work years and funding must be used only for EPA related military Base Closure activities. Military Base Closure activities are activities related to Fast Track Cleanup of specific bases identified by the Office of Solid Waste and Emergency Response (OSWER) (in consultation with DoD). These activities include: accelerating the identification of clean parcels under the Community Environmental Response Facilitation Act (CERFA); developing BRAC Cleanup Plans (BCP); promoting community involvement in cleanup decision-making; preparing and reviewing site documents [e.g., BCP, Environmental Baseline Survey (EBS), RI/FS, RODs, RD, and RAs] and RCRA documents (e.g., RFI Starts, CMD Starts, and ISM Starts and Completions); studying and sampling field data; National Environmental Protection Act (NEPA) review and analysis; assisting DoD or States with BRAC site issues; and activities supporting EPA personnel participation in Fast Track Cleanup. These activities are outlined in the Memorandum of Understanding between EPA and DoD dated February 3, 1994, and subsequent memorandums and guidance related to EPA BRAC resources.

As the signatory and executing agent for the reimbursable agreement with DoD, the Assistant Administrator for OSWER (AA SWER) will rely on Regional Administrators and, as the primary focus of the EPA BRAC resources, the Regional RCRA/Superfund National Program Managers to ensure reimbursable costs are accurate and appropriate. Each Region should identify an individual in the appropriate division that will coordinate the Regional BRAC program and resources, and can act as a day-to-day liaison with OSWER and DoD. FFRRO, within OSWER, will provide the AA SWER with programmatic and financial reviews of specific Regions. Reprogramming of funds submitted to the OC require notification of FFRRO for their approval.

HQ and Regional personnel utilizing BRAC resources should receive authorization from their appropriate EPA HQ or Regional senior managers and use the established BRAC budget program. The EPA Remedial Project Manager (RPM) and the support team are empowered to make decisions locally to the maximum extent possible. EPA has delegated certain authorities to the Regional Administrators (e.g., CERFA concurrence), who have in turn redelagated

the authorities to other levels within their organizations. Regional personnel should be familiar with their internal delegation of authorities. Should the need arise, the RPM and support team will have the ability to raise issues immediately to senior EPA officials for resolution.

EPA Regional Superfund or RCRA Divisions, in conjunction with the Office of Regional Counsel, Regional NEPA teams, State environmental regulatory agencies, and DoD, will form a BRAC Cleanup Team (BCT) for each base designated by DoD as a Fast Track base. The BCT will be comprised of one representative from the EPA Region, one representative from the State, and one representative from DoD. The BCT will serve as the primary forum in which issues affecting the execution of cleanup to facilitate reuse will be addressed.

Note: Additional specific BRAC information can be found in the *Fast Track Program Guidance*.

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FEDERAL FACILITIES FY 99/00 TARGETS AND MEASURES

OVERVIEW OF FY 99/00 FEDERAL FACILITIES TARGETS AND MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the AA SWER, Assistant Administrator for OECA (AA OECA), and senior Superfund managers to monitor the progress each Region is making towards achieving the GPRA targets and annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, targets (GPRA targets/annual performance goals) and measures (GPRA and program measures) are defined as follows:

- **GPRA Targets/Annual Performance Goals** are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices. They are numerical goals that are established nationally prior to the start of the operating year; for example, 136 construction completions at Superfund National Priorities List (NPL) sites in FY 99.
- **Measures** are activities deemed essential to tracking overall program progress. There are two types of measures: GPRA measures and program measures. GPRA measures simply track the number of actions that occur throughout the year (accomplishments) and are used to evaluate program progress; for example, the number of agreements negotiated with States and Tribes. Program measures are used to project the number of actions that each Region expects to perform during the year using anticipated resources; for example, the number of sites where EPA settled based on ability to pay determinations.

The following pages contain, in pipeline order, the definitions of the FY 99/00 Federal facilities targets and measures. Exhibit D.1 displays the full list of Federal facilities activities that are defined in the remainder of the Appendix, and identifies the FY 99/00 targets and measures. Exhibit D.2, at the end of this Appendix, describes the planning requirements for Federal facilities activities.

Community Involvement requirements for Federal facilities have been included at the end of this appendix.

Reporting of Non-NPL Federal Facilities Data

Regions are responsible for entering data into WasteLAN for **non-NPL** Federal facility sites, especially the BRAC Fast Track Sites.

**EXHIBIT D.1
FEDERAL FACILITIES ACTIVITIES**

| ACTIVITY | GPRA Target/Annual Performance Goal | MEASURE | |
|---|--|---------|---------|
| | | GPRA | PROGRAM |
| Base Closure Decision | | ✓ | |
| FFA/IAG Starts | ✓ | | |
| FFA/IAG Completions | ✓ | | |
| Federal Facility Dispute Resolution | | | ✓ |
| Use of Supplemental Environmental Projects (SEPs) | | | ✓ |
| RI/FS or RCRA Facility Investigation (RFI) Starts | | | ✓ |
| FS or Corrective Measure Study (CMS) or EE/CA Start | | | ✓ |
| Decision Documents | | | ✓ |
| Duration of ROD to IAG Negotiation Completion | | | ✓ |
| RA or Corrective Measure Implementation (CMI) Starts | | | ✓ |
| Timespan from ROD Signature to RA Start | | | ✓ |
| RA or CMI Completion | | | ✓ |
| Removal or RCRA Interim/Stabilization Measure (IMS) Starts & Completions | | | ✓ |
| NPL Site Construction Completions | ✓ | | |
| Federal Facility Five-Year Reviews | | | ✓ |
| Federal Facility Partial NPL Deletion | | | ✓ |
| Federal Facility Final NPL Deletion | | | ✓ |

NOTE: Accomplishments are pulled from WasteLAN on a quarterly basis

FEDERAL FACILITIES DEFINITIONS

BASE CLOSURE DECISIONS

Definition:

A base closure action occurs when EPA is involved in either a CERFA Section 120(h)(4) uncontaminated parcel determination, a Finding of Suitability to Transfer (FOST), a Finding of Suitability to Lease (FOSL), or a determination is made by EPA that an approved remedy is operating properly and successfully at BRAC locations pursuant to CERFA/CERCLA Section 120(h)(3). Under CERFA/CERCLA Section 120(h)(4), the military service must designate, and EPA/State is required to concur, property that is uncontaminated. A FOST documents the conclusion that real property made available through the BRAC process is environmentally suitable for transfer by deed under Section 120(h) of CERCLA. A FOSL documents that property at a BRAC location is environmentally suitable for lease, i.e., that the reuse does not impede the environmental response at the location and that the use of the property is limited to a manner which will protect human health and the environment. Under CERCLA Section 120(h)(3), before property can be transferred by deed, the military service must demonstrate to EPA that the approved remedy is operating properly and successfully.

Definition of Accomplishment:

Base Closure Decision Start Date: Date that a document is received by EPA that identifies a facility or a parcel as a candidate to be transferred by deed or lease (e.g., EBS submitted); or a clean parcel determination is received by EPA for concurrence as required by CERFA; or the date of the written request submitted by the other Federal agency for concurrence on suitability to transfer or lease; or the date on which a written request for EPA concurrence is received that a 120(h)(3) remedy is operating properly and successfully.

Base Closure Decision Completion Date: The date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the FOST or FOSL; or the date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review of the demonstration that a remedy is operating properly and successfully for purposes of CERCLA section 120(h)(3); or the date the appropriate Regional official signs a letter concurring on a clean parcel identified under CERFA.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

This is a GPRA measure.

FEDERAL FACILITY AGREEMENT (FFA)/INTERAGENCY AGREEMENT (IAG) STARTS

Definition:

FFAs/IAGs are legal agreements between Federal agencies responsible for cleanup, EPA, and the States. A State may elect not to participate in FFA/IAG negotiations. FFA/IAGs set forth detailed requirements for performance of site response activities as well as appropriate enforcement responses to non-compliance with the FFA/IAG. FFA/IAG requirement is set forth in Section 120(e) of CERCLA.

Definition of Accomplishment:

FFA/IAG Start Date: Date notice letter is sent by EPA to the Federal facility, reported in WasteLAN as the actual start date (Actual Start) of FFA/IAG negotiations (Action Name = IAG Negotiation).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

FFA/IAG starts will be tracked as IAG negotiations (Action Name = IAG Negotiation). This is a GPRA target/annual performance goal.

FFA/IAG COMPLETION

Definition:

FFAs/IAGs are legal agreements between Federal agencies responsible for cleanup, EPA, and the States. A State may elect not to participate in FFA/IAG negotiations. FFA/IAGs set forth detailed requirements for performance of site response activities as well as appropriate enforcement responses to non-compliance with the FFA/IAG. FFA/IAG requirement is set forth in Section 120(e) of CERCLA.

Definition of Accomplishment:

FFA/IAG Completion Date: Latter of the dates that the Federal agency, EPA, and/or State sign the IAG, or the date the Letter of Intent to sign an IAG is signed by all parties. This date must be reported in WasteLAN as the actual completion date (Actual Complete) of the FFA/IAG negotiations (Action Name = IAG Negotiation) and the actual completion date (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreements).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

FFA/IAG completions will be tracked as both the completion (Actual Complete) of IAG negotiations (Action Name = IAG Negotiation) and the completion (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreement). For those FFAs/IAGs that are elevated for dispute resolution, record the date elevated as the actual completion date of the SubAction "IAG Dispute Admin Referral" and not as the FFA/IAG completion date. Regions do not receive credit for FFA/IAG completion when the FFA/IAG is elevated to HQ for dispute resolution. This is a GPRA target/annual performance goal.

FEDERAL FACILITY DISPUTE RESOLUTION

Definition:

When the Federal agency, State, and/or EPA make an effort to formally or informally resolve a FFA/IAG dispute after the FFA/IAG is signed.

Definition of Accomplishment:

Dispute Resolution Start Date: Date that any party to the FFA/IAG sends a letter to the other parties notifying them as to the issue in dispute. This is reported in WasteLAN as the actual start date (Actual Start) of dispute resolution (Action Name = Alternative Dispute Resolution).

Dispute Resolution Completion Date: Date the document resolving the issue is signed (e.g., letter of agreement, agreement document). This is reported in WasteLAN as the actual completion date (Actual complete) of dispute resolution (Action Name = Alternative Dispute Resolution).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Federal Facility Dispute Resolution is reported in WasteLAN as Alternative Dispute Resolution (Action Name = Alternative Dispute Resolution) with a Federal facility (FF) lead. This is a program measure.

USE OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)**Definition:**

SEPs are environmentally beneficial projects which a Federal agency agrees to undertake to mitigate a monetary penalty, but which the violator is not otherwise legally required to perform. The SEP could be for public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, emergency planning and preparedness, or other program-specific projects.

Definition of Accomplishment:

The date of agreement between EPA and Federal agency to implement a SEP is reported in WasteLAN as the SubAction "Supplemental Envir Projects". The estimated dollar value of the SEP must also be entered.

Changes in Definition:

This is a new measure.

Special Planning/Reporting Requirements:

This is a program measure. Both the number of SEPs and their estimated value will be tracked. The estimated value of the SEP is reported on the Penalty/SEP screen in the Federal Facilities module in WasteLAN.

REMEDIATION INVESTIGATION/FEASIBILITY STUDY (RI/FS) OR RCRA FACILITY INVESTIGATION (RFI) STARTS**Definition:**

The RI/FS is a CERCLA investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risks to human health and the environment, and develop and evaluate potential remedial alternatives. An RFI is a RCRA investigation designed to evaluate thoroughly the nature and extent of the release of hazardous wastes and hazardous constituents and to gather necessary data to support the Corrective Measure Study (CMS) and/or Interim/Stabilization Measure (ISM).

Definition of Accomplishment:

The RI/FS (Action Name = FF RI/FS or FF RI) or RFI (Action Name = RCRA Facility Investigation) start is defined as follows:

- Sites where there has been no RI/FS or RFI work started prior to the effective date of the FFA/IAG, the actual start date (Actual Start) is the EPA or State receipt of a draft workplan for the RI/FS or RFI; or
- Sites where RI/FS or RFI work has been started prior to the FFA/IAG effective date and there has been substantial EPA or State involvement (EPA or the State has reviewed and commented, approved/concurred, or accepted the workplan); the actual start date (Actual Start) is also the date of receipt of a draft RI/FS or RFI workplan (Note: this date will be prior to IAG completion date); or
- Sites where RI/FS or RFI work starts prior to the FFA/IAG effective date and there has been limited EPA or State involvement, the date of the RI/FS or RFI actual start date (Actual Start) is the latter date that EPA or the State and the other agency sign the FFA/IAG.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

This is a program measure.

FEASIBILITY STUDY (FS), CORRECTIVE MEASURE STUDY (CMS), OR EE/CA STARTS

Definition:

The CERCLA FS is used to develop and evaluate all potential remediation alternatives to clean a hazardous waste site. The RCRA CMS is used to develop and evaluate corrective measure alternatives and to recommend the final corrective measure. The Engineering Evaluation/Cost Analysis (EE/CA) identifies objectives for non-time critical (NTC) response actions, and includes an analysis of cost, effectiveness, and implementability of the various alternatives that may be used to satisfy these objectives.

Definition of Accomplishment:

The FS (Action Name = FF FS), CMS (Action name = Corrective Measure Study), or EE/CA (Action Name = Engineering Eval/Cost Analysis) start is defined as follows:

- Sites where there has been no FS or CMS work started prior to the effective date of the FFA/IAG, the actual start date (Actual Start) is the EPA or State receipt of a draft workplan for the FS or CMS; or
- Sites where FS or CMS work has been started prior to the FFA/IAG effective date and there has been substantial EPA or State involvement (EPA or the State has reviewed and commented, approved/concurred, or accepted the workplan), the actual start date (Actual Start) is also the date of receipt of a draft FS or CMS workplan (Note: this date will be prior to the IAG completion date); or
- Sites where FS or CMS work starts prior to the FFA/IAG effective date and there has been limited EPA or State involvement, the FS or CMS actual start date (Actual Start) is the latter date that EPA or the State and the other agency sign the FFA/IAG; or
- EPA concurrence/approval of the EE/CA workplan.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

This is a program measure. FS, CMS, or EE/CA start dates are reported site specifically (Action Name = FF FS, Corrective Measure Study, or Engineering Eval/Cost Analysis) in WasteLAN.

DECISION DOCUMENTS

Definition:

Upon completion of a Federal facility RI/FS, CMS, or EE/CA, the Federal agency selects a remedy that is presented in a cleanup decision document (e.g., ROD, RCRA Statement of Basis/Response To Comments or Action Memo). EPA may either approve or concur on the remedy selection or, in the case of a dispute, EPA may select the remedy. For EPA, this authority has been delegated to the Regional Administrator or her/his delegatee.

Definition of Accomplishment:

Date (Actual Complete) the ROD (Action Name = Record of Decision), the appropriate RCRA Statement of Basis/Response To Comments (Action Name = RCRA SB/RTC), or Action Memo (Action Name = Approval of Action Memo) is signed by the Regional Administrator or delegatee, or the date of EPA concurrence/approval on the clean-up decision document pursuant to an FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

The ROD Completion date is the same as the RI/FS completion date. The EE/CA Completion date is the same as the Action Memo Completion date. The date of the RCRA Corrective Measure decision document is the CMS Completion date. This is a program measure.

DURATION OF ROD TO IAG NEGOTIATION COMPLETION**Definition:**

The objective of this measure is to focus attention on the statutory requirement for an IAG to be entered into within 180 days after signature of the ROD.

SARA Section 120(e) (2) states that "within 180 days [after signature of the ROD], the head of the department, agency, or instrumentality concerned shall enter into a IAG with the administrator for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility." This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

The duration of ROD to IAG will be calculated based on the actual completion date of the ROD (Action name = Record of Decision) and the latter of the dates that the Federal agency, EPA, and/or State sign the IAG, or the date the Letter of Intent to sign an IAG is signed by all parties, as reported in WasteLAN as the actual completion (Actual Completion) of FFA/IAG negotiations (Action Name = IAG Negotiation).

Changes in Definition:

This is a new program measure.

Special Planning/Reporting Requirements:

This is a program measure. Data in WasteLAN will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

REMEDIAL ACTION (RA) OR RCRA CORRECTIVE MEASURE IMPLEMENTATION (CMI) STARTS**Definition:**

A RA or CMI is the implementation of the remedy selected in the ROD or appropriate RCRA corrective measure decision document at NPL sites to ensure protection of human health and the environment.

Definition of Accomplishment:

Date on which substantial, continuous, physical, on-site, remedial actions begin pursuant to SARA Section 120(e) as documented by a memo or letter to EPA. This date is reported in WasteLAN as the actual RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation) start date (Actual Start).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

This is a program measure. RA or CMI starts are reported site specifically (Action Name = FF RA or Corrective Measure Implementation) in WasteLAN.

TIMESPAN FROM ROD SIGNATURE TO RA START

Definition:

The objective of this measure is to focus attention on the statutory requirement for an RA start within 15 months of the ROD signature.

SARA Section 120(e) states that "substantial, physical, on-site remedial action shall be commenced at each Federal facility no later than 15 months after completion of the investigation and study." This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

This measure will look at Federal agency performance by comparing the average timespan from ROD signature to RA start for all sites where an RA actually started in FY 99 or 2000. Sites exceeding the 15 month requirement will be identified. Comparisons will be made to previous Agency performance to determine trends.

The durations will be calculated using the actual ROD (Action Name = Record of Decision) completion dates (Actual Complete) and the actual RA (Action Name = FF RA) start dates (Actual Start) in WasteLAN. The ROD signature and RA start definition contained in Decision Documents and RA or Corrective Measure Construction Starts, respectively, will be used in the analysis.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

This is a program measure. Data in WasteLAN will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

RA OR CMI COMPLETIONS

THIS DEFINITION IS UNDER REVIEW.

Definition:

A RA or CMI is complete when construction activities are complete, a final inspection has been conducted, and a RA Report or appropriate CMI reporting vehicle has been prepared and approved by EPA. This report summarizes site conditions and construction activities. Note: this date may be later than 120(h)(3) BRAC requirements for base closure.

Definition of Accomplishment:

The RA or CMI is complete the date that the designated Regional official signs a letter accepting the RA Report or appropriate CMI reporting vehicle for the RA or CMI or the date the Federal facility's construction manager submits a signed RA Report or appropriate CMI reporting vehicle that documents the completion of construction activities, and that the remedy is Operational and Functional (O&F). In lieu of a report from the contractor's construction manager, the Region must prepare a report to document the completion. The appropriate date must be recorded in WasteLAN as the actual completion date (Actual Complete) of the RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation).

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

This is a program measure. RA or CMI (Action Name = FF RA or Corrective Measure Implementation) completions are reported site specifically in WasteLAN.

REMOVAL OR RCRA INTERIM/STABILIZATION MEASURE (ISM) — STARTS AND COMPLETIONS**Definition:**

Removal actions are defined as the cleanup or removal of released hazardous substances from the environment, and the necessary actions taken in the event of the threat of release of hazardous substances into the environment. ISMs are defined as RCRA removal actions that are intended to abate threats to human health and the environment from releases and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued. Regions need to report removal actions conducted in response to emergency, time-critical, and non-time critical (NTC) situations at BRAC Fast Track non-NPL or NPL sites. Under the Defense Environmental Restoration Program (DERP), DoD is required to notify EPA of its removal actions. Long-term O&M should not be conducted under the removal.

Definition of Accomplishment:

Removal ISM Start Date: Date the Federal agency begins actual on-site removal work, or the date of Action Memorandum signature, or the date the lead Federal agency provides notice to EPA, or other decision document signature/approval. The date must be reported in WasteLAN as the actual start date (Actual Start) of the removal (Action Name = FF Removal) or ISM (Action Name = RCRA Interim/Stabilization Measure).

Removal/ISM Completion Date: Actual date the Federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in WasteLAN as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), or ISM (Action Name = RCRA Interim/Stabilization Measure).

Changes in Definition FY 98 - FY 99/00:

Removed Early Action (Remedial Authority) from the definition.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. This is a program measure.

NPL SITE CONSTRUCTION COMPLETIONS

Definition of Target/Measure:

Construction at a NPL site is considered complete when physical construction is complete for the entire site as a result of one or several removal or remedial actions; and a Preliminary or Final Superfund Site Close Out Report has been signed by the Region and recorded at HQ. **Sites that receive credit under this measure will have no further response actions, other than the ongoing "long-term response action" (LTRA) component of the cleanup actions being performed. Regions receive credit for construction completion only once per site.**

Accomplishments under this measure will count toward the goal of 900 site construction completions by the end of the year 2000.

Definition of Accomplishment:

The following tables have been provided to more clearly depict coding and accomplishment requirements.

| NPL Site Construction Completion Through Early Actions (Remedial Authority) or Long-Term Actions | | |
|--|--|--|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <ul style="list-style-type: none"> Construction activities at all OUs are complete; or Institutional controls specified in the final Limited Remedial Action ROD are in place <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> A Preliminary Site Close-Out Report (PCOR)* has been signed by the designated Regional official; or A Final Site Close-Out Report has been prepared and signed by the designated Regional official <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> HQ has received appropriate documentation of construction completion** | <p>Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report</p> <p style="text-align: center;">AND</p> | <p>Region: The completion date of the report must be entered into WasteLAN as the actual completion date (Actual Complete) of the Preliminary Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and SubAction Name = Prelim Close-Out Rep Prepared], or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and SubAction Name = Close Out Report]</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and Construction Completion date into WasteLAN.**</p> |
| <p>NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report . Refer to "Close-Out Procedures for NPL sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be dated effective the first work day of the new fiscal year.</p> | | |

| NPL Site Construction Completion as a result of No Action/Groundwater Monitoring RODs | | |
|---|--|---|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <p>ROD is signed for the final Operable Unit (OU) with no previous RAs stating that no physical construction is required or the only activity performed is groundwater monitoring and a Preliminary* or Final Superfund Site Close-Out Report is signed by the designated Regional official.</p> <p style="text-align: center;">AND</p> <p>HQ has received appropriate documentation of construction completion.**</p> | <p>Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report.</p> | <p>Region: Regions enter the following into WasteLAN: The completion date of the close-out report is the actual completion date (Actual Complete) of the PCOR (Action Name = Record of Decision and SubAction Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and SubAction Name = Close Out Report).</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and Construction Completion date into WasteLAN.**</p> |
| <p>NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be effective the first work day of the new fiscal year.</p> | | |

**NPL Site Construction Completion as a result of
No Further Action/Groundwater Monitoring RODs**

| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
|--|--|---|
| <p>ROD is signed for the final OU stating that all physical construction is complete or the only activity performed is groundwater monitoring and a Preliminary* or Final Superfund Site Close-Out Report must be signed by the designated Regional official.</p> <p align="center">AND</p> <p>HQ has received appropriate documentation of construction completion**</p> | <p>Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report.</p> | <p>Region: The completion date of the close-out report is the actual completion date (Actual Complete) of the PCOR (Action Name = Record of Decision and SubAction Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and SubAction Name = Close Out Report).</p> <p align="center">AND</p> <p>HQ: HQ enters the Construction Completion indicator and Construction Completion date into WasteLAN.**</p> |

NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.

* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.

** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be effective the first work day of the new fiscal year.

| NPL Site Construction Completion through Limited Remedial Actions - Institutional Controls | | |
|---|---|---|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <p>Grounwater cleanup goals are met through natural attenuation and a Preliminary* or Final Superfund Site Close-Out Report is signed by the designated Regional official.</p> <p style="text-align: center;">AND</p> <p>HQ has received appropriate documentation of construction completion**</p> | <p>Region: Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report.</p> | <p>Region: The completion date of the close-out report is the actual completion date (Actual Complete) of the PCOR (Action Name = Remedial Action and SubAction Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Remedial Action and SubAction Name = Close-Out Report).</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator and Construction Completion date into WasteLAN.**</p> |
| <p>NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be effective the first work day of the new fiscal year.</p> | | |

| NPL Site Construction Completion through Early Action (Removal Authority) | | |
|---|--|---|
| Definition of Accomplishment | Actual Completion Date | Coding Requirements |
| <p>Fund-Financed: Contractor demobilized (recorded in POLREP)</p> <p>PRP-Financed: Region certifies that PRPs or their contractor have completed the removal specified in the Action Memorandum and fully met the terms of the AO, CD or judgment</p> <p>Both Fund- and PRP- Financed: A Preliminary* or Final Superfund Site Close-Out Report has been signed by the designated Regional official</p> <p style="text-align: center;">AND</p> <p>HQ has received appropriate documentation of construction completion**</p> | <p>Region: Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report</p> | <p>Region: The Region enters the following into WasteLAN:</p> <p>The removal (Action Name = Removal Action or PRP Removal) actual completion date (Actual Complete) as reported in the POLREP; and the early action Qualifier that indicates that the site is Cleaned Up; and the actual completion date (Actual Complete) of the PCOR (Action Name = Removal or PRP Removal SubAction Name = Prelim Close- Out Report Prepared) or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Removal Action or PRP Removal and SubAction Name = Close Out Report);</p> <p style="text-align: center;">AND</p> <p>HQ: HQ enters the Construction Completion indicator into WasteLAN.**</p> |
| <p>NOTE: The Region must prepare a Preliminary or Final Superfund Site Close-Out Report.</p> <p>* A PCOR is not required if the Region immediately prepares a Final Superfund Site Close-Out Report. Refer to "Close-Out Procedures for NPL Sites" for additional information.</p> <p>** Documents for construction completions, received by Headquarters after the fiscal year close-out date, will be effective the first work day of the new fiscal year.</p> | | |

Changes in Definition FY 98 - FY 99/00:

Added NOTE emphasizing that the Region must prepare a Preliminary or Final Superfund Site Close Out Report to receive credit for a construction completion.

Special Planning/Reporting Requirements:

Regions will not receive credit for a NPL Site Construction Completion until the actual completion date of the Preliminary or Final Superfund Site Close-Out Report is entered into WasteLAN and the necessary documentation is submitted to HQ, and HQ enters the Construction Completion indicator into WasteLAN. Accomplishments under this measure will count toward the goal of 900 NPL Construction Completions by the end of the year 2001. Regions identify sites to meet the goal prior to the start of the FY. **There is only one NPL construction completion at a site.** Regions may receive credit under this measure and the NPL Site Completion Measure as a result of the same remedial or, removal action. This is a GPRA target/annual performance goal.

FEDERAL FACILITY FIVE-YEAR REVIEWS

Definition:

Five-year reviews are intended to evaluate whether the response action implemented at NPL site remains protective of public health and the environment, is functioning as designed, and necessary operation and maintenance is being performed. Every five years, EPA will review any site at which a remedy, upon attainment of the ROD or Action Memorandum cleanup levels, will not allow unlimited use and unrestricted exposure. Five-year reviews generally involve a site visit or documentation of conditions noted through ongoing presence at the site.

EPA is responsible for conducting five-year reviews at all sites where required. Consistent with relevant settlement agreements, a lead agency may authorize PRPs to visit sites for five-year review purposes and to conduct studies and investigations for EPA. Five-year reviews are conducted on an OU basis until the site reaches construction completion. After that time, five-year reviews are conducted on a site-wide basis.

Definition of Accomplishment:

Five-Year Review Starts - Credit is given for a five-year review start when EPA approves the five-year review workplan submitted by the other Federal agency, or when the Federal facility actually starts the review or submits the draft document for review, as outlined in the ROD or IAG. The actual start date (Actual Start) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into WasteLAN.

Five-Year Review Completions - The five-year review is complete on the date the designated Regional official signs the five year review report stating whether the remedy is, or is not, protective of human health and the environment. The actual completion date (Actual Complete) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

None

Special Planning/Reporting Requirements:

Five-Year Review Starts and Completes is a program measure. Five-year review starts and completes must be planned and reported site-specifically (Action Name = Five-Year Remedy Assessment) in WasteLAN.

FEDERAL FACILITY PARTIAL NPL DELETION

Definition:

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific

medium at the site (e.g., groundwater), depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

The partial deletion action should only be used when the deletion does not address all releases listed on the NPL. If a deletion does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion (Action Name = Final Deletion from NPL), discussed below.

Definition of Accomplishment:

The partial NPL deletion process (Action Name = Partial Deletion from NPL) starts (Actual Start) when a Notice of Intent to Delete is published in the *Federal Register* for that specified portion of the site.

The partial NPL deletion process (Action Name = Partial Deletion from NPL) is complete (Actual Complete) when the Notice of Partial Deletion is published in the *Federal Register* for that specified portion of the site.

HQ will enter the Partial Deletion from the NPL Action and the actual start and completion dates into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

HQ is responsible for entering partial deletion starts and completions into WasteLAN.

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions (Action Name = Final Deletion from NPL). Partial site deletions will be entered by HQ if a portion, or portions, of the release remain listed on the NPL following completion of the partial deletion. When the Notice of Partial Deletion is published, HQ will change the NPL Status to "Partially Deleted from the NPL".

A site deletion (Action Name = Final Deletion from NPL) will be entered by HQ if the deletion activity addresses all remaining releases listed on the NPL (either as a one-time deletion action for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). This is a program measure.

FEDERAL FACILITY FINAL NPL DELETION

Definition:

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

EPA will consider deleting the entire site or portions of sites from NPL, as appropriate. EPA will consider partial

deletion for portions of sites when no further response is appropriate for that portion of the site. Such portions may be a defined geological unit of the site, or may be a specific medium at the site. If a decision does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion. State concurrence is required for any deletion.

Definition of Accomplishment:

The deletion process for the entire site [Action Name = Final Deletion from the NPL] starts (Actual Start) when a Notice of Intent to Delete is published for the *Federal Register*.

The deletion process for the entire site [Action Name = Final Deletion from the NPL] is complete (Actual Complete) when the Notice of Deletion is published in the *Federal Register*.

HQ will enter the Final Deletion from NPL Action and actual start and completion dates into WasteLAN.

Changes in Definition FY 98 - FY 99/00:

HQ is responsible for entering partial deletion starts and completions into WasteLAN.

Special Planning/Reporting Requirements:

An entire site deletion action (Action Name = Final Deletion from the NPL) will be entered by HQ if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion event for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). When the Notice of Deletion is published, HQ will change the NPL Status in WasteLAN to "Deleted from Final NPL." This is a program measure.

EXHIBIT D.2 (1 OF 4)
FEDERAL FACILITIES PLANNING REQUIREMENTS

| Planning Requirements | Base Closure Decisions | FFA/IAG Starts | FFA/IAG Completions | Federal Facility Dispute Resolution |
|---|-------------------------|----------------|---------------------|-------------------------------------|
| GPRA Target/Annual Performance Goal | - | GPRA Target | GPRA Target | - |
| GPRA or Program Measure? | GPRA Measure | - | - | Program Measure |
| Planned/Reported Semi-Annually, Annually, or Both? | Both | Both | Both | Both |
| Planned Site-Specifically? | No | Yes | Yes | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit or Parcel | Whole Site | Whole Site | Operable Unit |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT D.2 (2 OF 4)
FEDERAL FACILITIES PLANNING REQUIREMENTS

| Planning Requirements | Use of Supplemental Environmental Projects (SEPs) | RI/FS or RFI Starts | FS, CMS, or EE/CA Starts | Decision Documents | Duration of ROD to IAG Completion |
|---|---|---------------------|--------------------------|--------------------|-----------------------------------|
| GPRA Target/Annual Performance Goal | - | - | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned/Reported Semi-Annually, Annually, or Both? | Both | Both | Both | Both | Both |
| Planned Site-Specifically? | No | Yes | Yes | Yes | N/A |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site or Operable Unit | Operable Unit | Operable Unit | Operable Unit | Operable Unit |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific | Site-Specific |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT D.2 (3 OF 4)
FEDERAL FACILITIES PLANNING REQUIREMENTS

| Planning Requirements | RA Starts or CMI | Timespan From ROD Signature to RA Start | RA or CMI Completions | Removal ISM Starts and Completions |
|---|------------------|---|-----------------------|------------------------------------|
| GPRA Target/Annual Performance Goal | - | - | - | - |
| GPRA or Program Measure? | Program Measure | Program Measure | Program Measure | Program Measure |
| Planned/Reported Semi-Annually, Annually, or Both? | Both | Annual | Both | Both |
| Planned Site-Specifically? | Yes | N/A | Yes | No |
| Planned/Reported on Operable Unit or Whole Site Basis? | Operable Unit | Operable Unit | Operable Unit | Based on Individual Incident |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

EXHIBIT D.2 (4 OF 4)
FEDERAL FACILITIES PLANNING REQUIREMENTS

| Planning Requirements | NPL Site Construction Completions | Federal Facility Five-Year Reviews | Federal Facility Partial NPL Deletion | Federal Facility Final NPL Deletion |
|---|-----------------------------------|------------------------------------|---------------------------------------|-------------------------------------|
| GPRA Target/Annual Performance Goal | GPRA Target | - | - | - |
| GPRA or Program Measure? | - | Program Measure | Program Measure | Program Measure |
| Planned/Reported Semi-Annually, Annually, or Both? | Both | Both | Both | Both |
| Planned Site-Specifically? | Yes | Yes | Yes | Yes |
| Planned/Reported on Operable Unit or Whole Site Basis? | Whole Site | Whole Site | Portion of Site as Identified | Whole Site |
| Reported Site-Specifically or in Non-Site Specific Portion of WasteLAN? | Site-Specific | Site-Specific | Site-Specific | Site-Specific |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

COMMUNITY INVOLVEMENT DEFINITIONS

The following Community Involvement requirements for Federal facilities have been included as a reference. Community Involvement requirements for non-Federal facility sites are included in Appendix J.

COMMUNITY INVOLVEMENT PLAN

Definition:

The National Contingency Plan (NCP) requires a Community Involvement Plan for all remedial response actions and for all removals longer than 120 days. Community Involvement Plans document concerns identified during community interviews and provide a detailed description of the community involvement activities planned on the basis of these interviews. For remedial actions, the plan must be prepared before the Remedial Investigation/Feasibility Study (RI/FS) begins. A revised plan that identifies additional activities during Remedial Design and remedial construction should be prepared before RD begins.

Definition of Accomplishment:

Community Involvement Plan:

Date the Community Involvement Plan is published/issued (e.g., date stamped on document) by the appropriate Regional official is reported in WasteLAN as the actual completion date (Actual Complete) of the SubAction "Community Involvement Plan."

Amended Community Involvement Plan:

The date the Amended Community Involvement Plan is published/issued (e.g., date stamped on document) by the appropriate Regional official is reported in WasteLAN as the actual completion date (Actual Complete) of the SubAction "Rev Community Involvement Plan."

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

These SubActions are valid for the following Actions in WasteLAN: PRP Community Relations, Federal Facility Community Relations, Remedial Community Relations, and Removal Community Relations. Funds for Community Involvement Plans are in the Federal facility, site characterization, removal, or enforcement AOA's. This is a program measure.

INFORMATION REPOSITORY

Definition:

The information repository is a project file or repository containing site information, documents on site activities, and general information about the Superfund program. EPA requires an information repository at all sites where remedial activities are being performed and any sites where a removal action is being conducted that is likely to extend beyond 120 days.

Definition of Accomplishment:

The date the Information Repository is established is reported in WasteLAN as the actual completion date (Actual Complete) of the Subaction "Info Repository Established."

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

These SubActions are valid for the following Actions in WasteLAN: PRP Community Relations, Federal Facility Community Relations, Remedial Community Relations, and Removal Community Relations. This is a program measure.

PUBLIC MEETING

Definition:

Public meeting is a forum to inform citizens of ongoing response activities, and to discuss and receive citizen feedback on the proposed course of action. The Agency must offer to hold a public meeting before adopting a plan for remedial action or ROD.

Definition of Accomplishment:

The date the public meeting is held is reported in WasteLAN as the actual completion date (Actual Complete) of the SubAction "Public Meeting."

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

This is a program measure. These SubActions are valid for the following Actions in WasteLAN: PRP Community Relations, Federal Facility Community Relations, Remedial Community Relations, and Removal Community Relations.

RESTORATION ADVISORY BOARDS(RABs)/SITE-SPECIFIC ADVISORY BOARDS(SSABs)

Definition:

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. Restoration Advisory Boards (RABs) provide a forum through which members of nearby communities can provide input to DoD's environmental restoration program.

RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

Definition of Accomplishment:

RAB/SSAB Established Date: The establishment of the RAB/SSAB is defined as the actual complete date (Actual Complete) of the initial RAB/SSAB information meeting. (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

RAB Adjourned Date: Date the RAB is adjourned by DoD.

SSAB Terminated Date: Date the SSAB is terminated by the Secretary of Energy.

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

This is a GPRA measure. The data management approach for tracking the adjournment of RABs and the termination of SSABs is still under development. Site Specific Advisory Board Meeting and Restoration Advisory Board Meeting are valid SubActions under Federal Facility Community Relations.

TECHNICAL ASSISTANCE GRANTS (TAGs)**Definition:**

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. The technical assistance allows communities to improve the decision making process at their sites.

Definition of Accomplishment:

The start of the TAG (Action Name = Community Relations TA Grants) is the signature of the award agreement to the community group which is the obligation of funds for the TAG. The completion of the TAG is the date the grant is closed out by the Region.

Changes in Definition FY 98 - FY 99/00:

The completion of the TAG is the date it is closed out by the Region.

Special Planning/Reporting Requirements:

TAG Starts is a GPRA measure. The Region must also enter the following information into WasteLAN:

- Total Dollar Amount of Grant;
- Initial Dollar Amount of Grant; and
- Waiver Amount if applicable; or
- Deviation Amount, if applicable.

Planned start and completion dates are not required in WasteLAN. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at non-Federal facility sites are contained in the response budget and found in the other response AOA. Funds for TAGs at Federal facility sites are contained in the Federal facility budget and found in the Federal facility AOA.

TECHNICAL OUTREACH SUPPORT FOR COMMUNITIES (TOSC)**Definition:**

TOSC provides independent scientific and technical assistance to communities dealing with hazardous substance contamination questions. TOSC provides information and education to empower communities with an understanding of technical issues to more effectively participate in environmental decisions. TOSC is a service of the University-based Hazardous Substance Research Centers (HSRCs) which are, in part, supported by grants from EPA.

Definition of Accomplishment:

The date of the commitment between the community and the HSRCs is reported in WasteLAN as the actual start date (Actual Start) of the TOSC (Action Name = Technical Outreach Services to Communities).

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

The Region must indicate on the Community Organizations Information screen that the organization is a TOSC recipient. This is a program measure.

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Superfund/Oil Program Implementation Manual FY 99/00

Appendix E: Superfund Information Systems

July 1, 1998

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July 1, 1998

Appendix E Superfund Information Systems

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Superfund Information Systems

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APPENDIX E

SUPERFUND INFORMATION SYSTEMS

THE PURPOSE OF WasteLAN

WasteLAN is the official repository of nationally defined and nationally required data for planning, tracking, and describing all activities at sites and removal incidents.

The following types of site/incident activity have national definitions and national requirements:

- Site Assessment
- Risk Assessment
- Remedy Selection
- Federal Facilities
- Community Involvement
- Removal
- Enforcement
- Project Management
- Program Management

Site Assessment

To support the site assessment process, WasteLAN supports the following activities:

- Enter, store, and retrieve basic site discovery information, including site identification (name and location), narrative description, contaminants, and site setting;
- Distinguish between removal program or site assessment program discoveries;
- Import site scoring data for the PA, SI, ESI, and SIP from PA-Score and PREscore through an Electronic Data Submission (EDS) utility;
- Review and compare results of the PA, SI, ESI, and SIP, including overall HRS site score and component pathway scores;
- Access to detailed information on each pathway score;
- Enter, store, and retrieve site assessment decision information, including qualifiers and text rationale and referrals to States or other program areas;
- Manage site assessment schedules through the Project Management module; and
- Generate site assessment reports and perform ad hoc queries on basic site level and decision information, as well as site and pathway score information.

Risk Assessment

To support the risk assessment process, WasteLAN supports the following activities:

- Track, plan, redefine, and review project milestones on an operable unit basis;
- Record and review risk assessment overview information for each action by media, including the worst risk scenarios;
- Record, revise, reuse, and review information from the PA, SI, ESI, removal evaluation, or HRS;
- Record, review and edit contaminants of concern versus relevant standards and a summary of the contaminant-specific risks for each medium;
- Review and evaluate the use of exposure assumptions in the human health and ecological risk assessment;
- Record, review and update scenarios by time frame for each medium area; scenarios contain pertinent factors (i.e. land use, exposure time frame, location, receptor, exposure route) and reflect at least one scenario for each land use assessed;
- Compile, review, revise, and view a summary of pertinent ecological risk assessment information including potential receptors, sensitive habitats, and endangered/threatened species; and
- Record, review, and compare risk assessment information contained in remedial and removal decision documents.

Remedy Selection

To support the remedy selection process, WasteLAN supports the following activities:

- Add and delete Actions to the site schedule and add new operable units;
- Add, edit, and review an Action and its associated operable unit, actual and planned start dates, and actual and planned completion dates;
- View and update site information, including media, contaminants, concentrations, and regulations that possibly apply to the contaminant;
- View and update a site synopsis which can be used to aid in the development of remedial documents, such as proposed plans and Records of Decision (ROD);
- View cost and performance information on treatability studies, if available;
- Upload contractor developed electronic information contained in the RI/FS to support the development of the ROD or use the ROD information in the development of the Remedial Design (RD) report;
- View and compare analyses among pipeline actions for site contaminants, contaminated medium, and site risk/threats;
- Identify program initiative sites, such as contaminated sediments or presumptive remedy sites;
- Perform queries to identify "like sites";
- View selected remedies at sites with signed RODs including remedial response actions associated with the selected remedy; and
- Create ROD abstracts.

Federal Facilities

To support Federal facilities, WasteLAN supports the following activities:

- View, edit, and track information pertaining to dispute resolutions such as the issue triggering dispute, compliance status, and dispute phase (i.e., informal or formal);
- Record, display, and view information pertaining to IAG/FFA negotiations and agreements;
- Record, display, and update information pertaining to BRAC-NPL, non-NPL sites, and program initiative sites;
- See listings of all IAG milestones to be reviewed within a user-specified time frame;
- Record and display a site abstract feature;
- Record and display information pertaining to sites requiring information on the FFTS and Docket;
- Provide the capability to display and search on penalty and formal dispute resolution information; and
- Access to all subject area modules in CERCLIS (e.g., Risk Assessment, Remedy Selection, etc.) to view all technical and administrative data pertaining to a site.

Community Involvement

To support the community involvement process, WasteLAN supports the following activities:

- Enter and access online directions to the site;
- Enter and view information on public meetings, including public meeting location and directions;
- Access current site information from any user view;
- Enter and view the address of site information repositories and identify which repositories contain Administrative Records; and
- Export site locational data for use in developing maps in GIS packages.

Removal

To support the removal process, WasteLAN supports the following activities:

- Document OSCs assigned to the removal, EPA branch, operable unit name, incident category, event qualifier, attorney assigned to the removal, event category, planning status, removal media, and site funding rank;
- Track Action Memo types, support the Action Memo approval process, and capture response action scientific and location information;
- Develop removal fact sheets;
- Assist in the management of removal budgets for various contract vehicles and other EPA costs;
- Enter and store regional removal assessment detail description information including date assigned to OSC, where the site was referred from, referral date, response date, site visit date, OSC assigned, removal media, and flags for sampling performed, eligibility for removal, referred to remedial program office, and returned to State;
- Generate regional cost/financial management reports; and
- Create Headquarters removal reports (e.g., reports that replicate current mainframe reports).

Enforcement

To support the enforcement process, WasteLAN supports the following activities:

- Capture and retrieve information about PRPs (the "PRP Profile") and associate PRPs with all sites and enforcement actions with which they have been involved;
- Generate PRP-related summary statistics;
- Group PRPs for enforcement actions or correspondence mailings;
- Document a PRP's involvement with a site;
- Track liens against a PRP's property;
- Track PRP compliance with letters and settlement terms;
- Track negotiations, including type of response actions sought, cost recovery amount sought, and outcome;
- Track ADR usage, identifying sites where ADR was used, the outcome of the ADR, and the mediator used;
- Track settlements, including type of response actions to be performed by the PRPs, statutes, and cost recovery amount achieved, and identify full or partial settlements;
- Log case files, including EPA Docket and DOJ case numbers and names and district court location docket number;
- Track referrals, including the type of referral, statutes, response actions sought, cost recovery amount sought, and outcome;
- View costs written off and the rationale behind a decision not to pursue cost recovery; and
- Track oversight costs.

Project Management

To support site management, WasteLAN supports the following activities:

- Maintain schedule by project segment and set a default project segment for site schedules;
- View and edit action-specific information including operable unit, sequence number (system generated), lead, planned and actual start/complete dates, and planned start/complete Fiscal Year/Quarter (system generated); and add and delete actions and new operable units to/from the schedule;
- View the targeted Fiscal Year/Quarter for actions defined as regional targets;
- Generate custom planned complete dates based on user-defined durations, or system generate planned complete dates based on preset durations;
- Define associations among actions and add "public" or "private" user-defined actions to schedules;
- Reorder actions on the schedule and create what-if scenarios by "cascading" planned dates (automatically updating subsequent dates based on a schedule change);
- Add and view action-specific comments;
- Prepare Gantt charts, generate reports such as a Site Summary report, a Management Review report, and a Target Comparison report, and create/print weekly "notes" to keep managers apprised of "hot" issues;
- Access Smart screens, which provide online SCAP definitions;
- View financial data by site, action, or financial transaction and track Superfund State Contracts (SSC) cost share payment information; and
- Allow reviewers (e.g., Section Chiefs) to approve or disapprove schedule changes and financial transactions before they become official and notify RPMs if any of their sites have been reviewed.

Program Management

To support overall program management, WasteLAN supports the following activities:

- View allowance and budget information for a comparison of regional spending plans to the negotiated budget for each allowance;
- Record and access all site and non-site financial details associated with an allowance;
- Track allowance change requests by viewing existing change request data used to issue/reprogram an allowance and generate a new change request online;
- View aggregate site planning data to support program planning and reporting measures and access data on a national (at Headquarters only), regional, branch, or section level, or by program office;
- Access project schedule details for sites included in the aggregated information on planning and reporting measures and identify target candidates;
- Track progress in meeting targets and planning estimates, view details on target and alternate sites that support these targets/estimates for each planning and reporting measure, and substitute target and alternate sites when necessary;
- Identify the funding priority for RAs and Removals based on factors such as the status of PRP negotiations, whether the RD has reached 95% complete, and estimated cost;
- Associate sites with a specific national and/or regional priority; and
Enter EI data at the site/action level, and view summary information for Indicators A, B, and C at the national (at Headquarters only) and regional levels.

SUPERFUND DATA ARCHITECTURE

The Superfund data architecture is comprised of various components that reside in the Regions or at Headquarters. The goal of this architecture is to allow regions, the data owners, to enter data locally while still ensuring a national database is maintained for national reporting purposes.

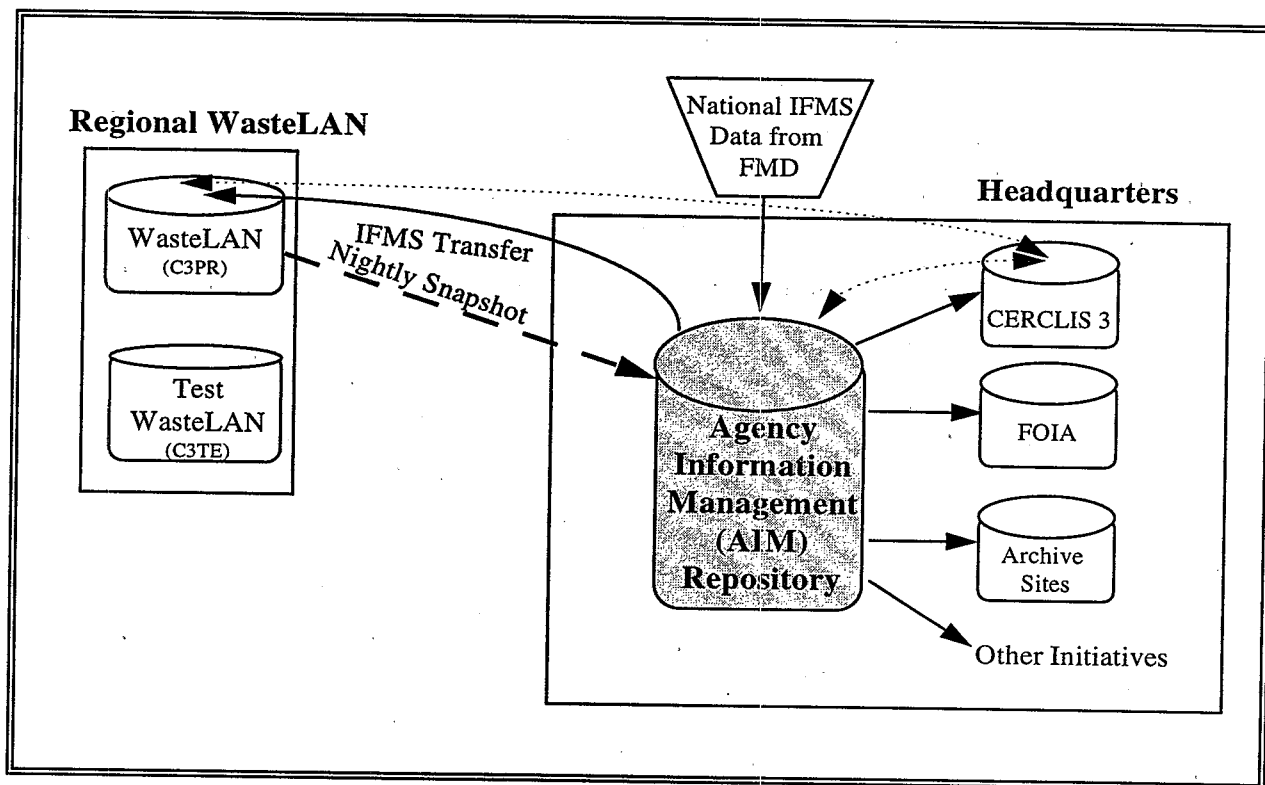
Exhibit E-1 outlines the relationship among various components of the Superfund data architecture. Each Region enters their information into the Regional WasteLAN system. Each night, data from the Regional systems are sent

via the "snapshot" process to the Agency Information Management (AIM) repository, which is the Superfund program's comprehensive data repository. Data from AIM is then divided into different, single purpose datasets to meet specific needs of the program. These datasets include, but are not limited to:

- *CERCLIS 3*: This dataset contains active sites and related program management information tracked through the SCAP process.
- *FOIA*: This dataset contains active sites and related information that is releasable to the public.
- *Archive*: This dataset contains archived sites and related information.
- *Others, as needed*: Additional datasets can be created to meet additional program needs and special initiatives as they are defined. For example, a "Pre-Discovery" dataset could be created to track information on sites prior to beginning the listing process.

In addition, each day, financial data from the Integrated Financial Management System (IFMS) is transferred via AIM to the Regional WasteLAN databases.

EXHIBIT E-1 SUPERFUND DATA ARCHITECTURE



REPORTING SUPERFUND INFORMATION

The WasteLAN Reports Module is accessible by all users, and will contain both nationally- and Regionally-defined reports. The reports are categorized by the following program areas: Site Assessment, Risk Assessment, Remedy Selection, Federal Facilities, Community Involvement, Removal, Enforcement, Project Management, and Program Management. Headquarters program managers and staff will have access to the database and the ability to use the application to display data and print reports. In many cases the application can be used by program managers in lieu of contacting regional staff.

Reports in the Reports Module are being developed from a Select Logic Database (SLDB). The SLDB is a warehouse of select logic queries; because each query has been created using pieces of reusable code (RC), the select logic stored in the SLDB can be reused across multiple reports. The SLDB approach to developing reports has many benefits. By reusing select logic queries that have already undergone testing and validation, the SLDB approach promotes consistency and accuracy in program-wide reporting. In addition, because all select logic queries reside in one location, the effort required to maintain the Reports Library is significantly reduced.

The SLDB stores nationally- and Regionally-defined queries. Queries that are nationally defined and used in national reports will be tested and validated by third-party testers. National queries will be sponsored by query owners at Headquarters. Query owners are responsible for updating queries in a timely manner when new system requirements are established to ensure that queries remain consistent with programmatic changes.

The Regions can use national queries from the SLDB for Regional reporting purposes. The Regions also have the ability to develop and store Regionally-defined queries in the SLDB. Regionally defined queries and reports are managed and maintained by the Regions themselves. The Reports Steering Committee is currently working on developing a process for developing and sharing queries and reports between Regions.

If a particular report is similar in several Regions, that report may be identified as a candidate for a national report. Also, if a Regional query is identified for national implementation, the query will be validated, tested, and released as a national query. National queries and reports are managed by the Headquarters Reports Librarian.

The Reports Librarian role has been expanded to include the coordination and management of all national queries and reports. The Reports Librarian will continue to coordinate with query and report owners and developers, ensuring that reports and queries are developed consistently, in accordance with standards, and third-party tested. It is also the Reports Librarian's responsibility to see that all national queries and reports are unique (but reused when appropriate) and released to the user community on schedule.

The Reports Librarian is responsible for coordinating all steps of the reports development life cycle: requirements/design, specifications, coding, testing, maintenance, change management, standards development/adherence and documentation. This includes coordinating and facilitating bi-weekly Reports Status meetings with the reports team, maintaining the Lotus Notes Reports Status database, and communicating status with the reports community.

The Reports Librarian coordinates the addition of new national and/or HQ reports to the database. This process is framed by the forms available in the Reports Status Notes Database: the Reports Request form; Specifications, Code Delivery form; and the Sign-off form. The Reports Librarian ensures the Reports Request form is completed comprehensively and that the report being requested is not duplicative of an existing report. The Reports Librarian ensures that specifications are completed prior to a report being installed on the national menu, and assists in the coordination of hanging a report by ensuring that all the information on the Code Delivery form is completed by the reports developer. It is the Reports Librarian function to ensure that the process is documented by ensuring that the Sign-Off form is completed. All members of the reports community can contact the Reports Librarian for status information on any national and/or HQ report.

In addition to coordinating the addition of new reports, the Reports Librarian is responsible for monitoring changes to existing national and/or HQ reports and deleting obsolete reports from the menu. This means coordinating with the development team at large on behalf of the reports team. Attending Configuration Control Board meetings, reviewing change requests and monitoring regional comments in Lotus Notes, the suggestion box and e-mails are some of the methods used by the Reports Librarian to monitor changes. Usage reports and feedback from the regions and HQ are the methods used to determine obsolescence of a report.

WasteLAN Users

The WasteLAN application is for use by EPA staff with Superfund program responsibilities. The information collected via the application is for unrestricted use by all parties except for that portion of the information identified as sensitive and not releasable under FOIA.

APPLICABILITY OF THE FREEDOM OF INFORMATION ACT

Reports Releasable under Freedom of Information Act (FOIA)

There is a set of system-generated reports that have sensitive information (records or information that are protected under FOIA and cannot be released to the public) removed and may be released under FOIA. These reports include:

- SCAP 11 (Site Summary Report for NPL Sites);
- SCAP 12 (Site Summary Report for Non-NPL Sites);
- List 8E (Site/Response Action Listing Report/External);
- List 8T (Site/Event Listing, Archived Sites);
- List 9 (Site Comprehensive Listing);
- Enforcement 10 (The Settlements Master Report Public Version); and
- Enforcement 25 (Administrative and Unilateral Orders Issued).

Note: The SCAP 11, SCAP 12, List 8T, and List 9 are currently available to the public on the Superfund Home Page.

In addition, the Records of Decision System (RODS) may be released under FOIA. It provides the justification for the remedial action (treatment) chosen under the Superfund program and stores information on the technologies being used to clean up sites.

Sensitive Information Not Releasable under FOIA

FOIA is intended as a disclosure law, not a withholding law. In handling all FOIA requests, there should be a presumption in favor of releasing information. There are certain types of information, particularly enforcement information, that have been designated as confidential and, therefore, are not releasable to the public because disclosure could cause significant harm to the Agency. All planning data fit into this category including:

- Section 106 and 107 litigation and Consent Decrees (CD) and all related information where the planning information indicates that the action has or will be referred to Headquarters (HQ) or to the Department of Justice (DOJ). If the case is filed, the information may be released.
- Potentially Responsible Party (PRP) lead Remedial Investigation/Feasibility Study (RI/FS) projects and all related information where only planning data exist. If there is an actual PRP RI/FS start, the planned completion date (Fiscal Year/Quarter) can be released. However, no subsequent response dates are releasable.

- Remedial Design (RD)/Remedial Action (RA) - Administrative Order/CD and all related information where only planning data exist. This information is only releasable where an actual completion date exists.
- Planned obligation amounts related to Regional enforcement extramural budget activity associated with the following activities:
 - Litigation (106, 106/107, 107) support;
 - Removal Negotiations;
 - Non-NPL and NPL PRP search;
 - RI/FS negotiations;
 - RD/RA negotiations; and
 - Cost recovery negotiations.
- RD and RA planned events where the lead is the RP with no actual starts. When there is an actual start, the planned completion can be released.
- RI/FS and RD/RA negotiations planned start and completion dates. When there is an actual start, the planned completion can be released.
- Planned removal/remedial obligations.
- All planned activities for sites that have not been designated as final or proposed NPL sites in the Federal Register.

The following enforcement data also cannot be released:

- Information pertaining to the financial viability of PRPs.
- Comments
- PRP identification under Section 104(e)
- Compliance data

This following information is protected from mandatory disclosure by the following FOIA exemptions and provisions:

- EXEMPTION 7: Records or information compiled for law enforcement purposes. Specifically, EXEMPTION 7 (a) - could reasonably be expected to interfere with enforcement proceedings.

Exemption 7 - Records or Information Compiled For Law Enforcement Purposes

This exemption provides that records or information compiled for law enforcement purposes need not be disclosed in six specific instances. Even though a document falls under Exemption 7, the Agency, in its discretion, encourages release of the document unless release would significantly harm the Agency. Under this section, records or information can be withheld from disclosure if:

- Exemption 7 (a) - Disclosure could reasonably be expected to interfere with enforcement proceedings. Harm to the government's case in court by premature release of evidence or information or damage to the Agency's ability to conduct an investigation constitutes interference under the exemption.
- Exemption 7 (b) - Disclosure would deprive a person of a right to fair trial.

- Exemption 7 © - Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- Exemption 7 (d) - Disclosure could reasonably be expected to disclose the identity of a confidential source. This includes protection of information provided by the source on a criminal law enforcement investigation.
- Exemption 7 (e) - Disclosure would reveal a special technique or procedure for law enforcement investigations or prosecutions.
- Exemption 7 (f) - Disclosure could reasonably be expected to endanger the life or safety of any person.

As a result of 1986 Amendments to FOIA Exemption 7, the general coverage of Exemption 7 is no longer investigatory records but records of information compiled for law enforcement purposes. As long as some law enforcement authority exists and the record meets the threshold test for exemption 7, the record need no longer reflect or result from specifically focused inquiries by the Agency.

- EXEMPTION 5: Privileged Interagency or Intra-Agency Memoranda. Specifically, EXEMPTION 5, Privilege 1 - Deliberate Process Privilege, and EXEMPTION 5, Privilege 4 - Government Commercial Information Privilege.

Exemption 5 - Privileged Interagency or Intra-Agency Memoranda

Intra-agency records include reports prepared by outside consultants at the request of the agency. Recommendations from State officials to Environmental Protection Agency (EPA) may be considered intra-agency records when EPA has solicited State comments, has a formal relationship with the State, and the records concern a specific deliberative process.

This exemption allows the Agency to withhold from disclosure interagency or intra-agency memoranda or letters which fall under the following privileges:

- The Deliberative Process Privilege protects the quality of the Agency's decision-making process (i.e., to protect against premature disclosure of proposed policies before they are adopted), to encourage candid discussions among Agency officials, and to avoid premature disclosure which could mislead the public.

Only pre-decisional, deliberative documents may be withheld. These are written prior to the Agency's final decision, and are not likely to be those that are written by a person with final decision-making authority. Drafts of documents usually fall under this category, and documents transmitted between the government and third parties during settlement negotiations are occasionally protected under this privilege.

The deliberative process privilege does not allow the withholding of purely factual portions of documents. These portions must be released if they can be segregated from the remainder of the document (partial denial). This requirement presents a problem where the facts themselves reflect on the Agency's deliberative process; in this instance, the factual portions may be withheld.

- The Attorney-Work Product Privilege allows the withholding of documents prepared in anticipation of possible litigation. Litigation need not have commenced but it must be reasonably contemplated. This privilege does not extend to purely factual documents unless they reflect the results of an attorney's evaluation.

- The Attorney-Client Privilege applies to confidential communications between attorney and client, including communications between an Agency attorney and Agency employee.
- The Government Commercial Information Privilege is available to the government for information it generates in the process leading up to the award of a contract. This privilege expires once the contract is awarded or upon withdrawal of the contractual offer. An example of this privilege is cost estimates prepared by the government and used to evaluate the construction proposals of private contractors.
- The Expert Witness Privilege is commonly invoked to allow the withholding of records generated by an expert witness.
- The Confidential Witness Statement Privilege allows statements obtained from confidential witnesses to be withheld.

The Agency encourages the discretionary release of documents falling under any of the privileges, unless release would significantly harm the Agency's decision-making process. All of the privileges may be waived if the Agency has disclosed the document to third parties.

The sensitive information listed above covers the information restricted from public disclosure as of the compilation of this Manual. Additional information may be added to this category and information may be restricted in specific instances (though the prior disclosure rule must be satisfied). If requested information is potentially able to be restricted under a FOIA provision (in this case, under Exemptions 5, or 7), the official receiving the request should contact the appropriate FOIA office to determine whether the information should be restricted. Recently, a letter was sent to the Regions requesting their input as to what information should be considered enforcement sensitive and, thus, non-FOIAable. After Regional feedback has been analyzed, and guidance has been finalized, more detailed information will be provided.

Ad Hoc Reporting

In general, all Regional requests for ad hoc reporting, a special request for records, or information that is not part of the approved public reports should be referred to the Office of Site Remediation and Enforcement (OSRE) Director immediately. The Regional official receiving the request should inform the requestor of this policy and advise the requestor to contact HQ for a decision on whether this information may be released. If the requested information is only available from a specific Region, and HQ has decided to release this information, HQ will inform the responsible Region that the information should be compiled and disclosed to the requestor.

Ad hoc reporting requests should be treated like FOIA requests. And the following guidelines apply:

- If the information is protected under one of the FOIA exemptions, the information will not be disclosed (except in cases of discretionary release).
- Absent FOIA exemption protection, the information will be disclosed if it can be compiled or obtained in a reasonable amount of time by an Agency employee familiar with the subject area.
- Fees for ad hoc reporting requests will be charged in accordance with the fee structure used for FOIA requests.

Accessing FOIA Information

There are several methods to access FOIA reports.

- On the Internet, via the World Wide Web, several standard reports can be downloaded from the Superfund Information home page (<http://www.epa.gov/superfund/>), accessed under the header "Standard Site Reports." To view downloaded reports, use the Report Browser, a DOS-based browsing tool, also available from the home page. Standard reports include:
 - Inventory of WasteLAN and Archived Sites by State. This report displays the number of sites by State/possession that are currently in WasteLAN; it also displays the number of sites by State/possession that have been archived or require no further remedial action.
 - List 8T- Archive (NFRAP) Listing. This report lists all sites that were previously listed as contaminated or were suspected of being contaminated, but have subsequently been cleared of contamination or are no longer suspected of contamination. The report lists the sites/incidents, addresses, and Congressional districts, and the remedial, removal, and community relations events associated with each site/incident. This report was previously called the "Transition Site/Event Listing."
 - List 9- Site Comprehensive Listing. This report lists all Superfund sites/incidents, addresses, and Congressional districts, and the remedial, removal, and community relations events associated with each site/incident.
 - SCAP 11- Site Summary Report for NPL Sites. This report provides detailed information on Superfund sites/incidents on the National Priorities List (NPL). Only the sites/incidents that have planned or actual remedial/removal activities are selected for inclusion on the report. The remedial/removal activities (planned or actual) as well as the enforcement activities (actual) related to each site/incident are listed.
 - SCAP 12- Site Summary Report for Non-NPL Sites. This report provides detailed information on Superfund sites/incidents that are not on the NPL. Only the sites/incidents that have planned or actual remedial/removal activities are selected for inclusion on the report. The remedial/removal activities (planned or actual) as well as the enforcement activities (actual) related to each site/incident are listed.
- The Superfund Automated Phone and Fax Information System (1-800-775-5037) is an interactive phone/fax system that provides information about WasteLAN and the Record of Decisions System (RODS). By following voice prompts, the Superfund Automated Phone System allows users to request List 8T, List 9, SCAP 11, and SCAP 12 reports on diskette. Paper copies of these reports may also be requested using the Superfund Automated Phone System. Some products can be delivered immediately by fax; other products must be mailed.
- FOIA requests may also be submitted to a Region or HQ office for any one of the FOIA reports. FOIA report requests should include the state, zip code, county, and/or city they are requesting, as well as which FOIA report they want.
- Enforcement 10 (The Settlements Master Report Public Version) and Enforcement 25 (Administrative and Unilateral Orders Issued) are available by contacting OSRE. These reports are not available from Superfund's World Wide Web site or the Superfund Automated Phone and Fax Information System.

DATA OWNERS/SPONSORSHIP

HQ Senior Process Managers (SPMs) are taking an active role in improving the quality of data stored in WasteLAN by acting as data sponsors. Data sponsors ensure that the data they need to monitor performance and compliance with program requirements is captured and stored properly in WasteLAN. To meet this goal, HQ data sponsors identify their data needs, develop data field definitions, distribute guidance requiring submittal of these data, and oversee the process of entering data into the system. In addition, sponsors support the development of the requirements for electronic data submission (EDS).

Data sponsorship promotes consistency and communication across the Superfund program. HQ data sponsors communicate and gain consensus from data owners on data collection and reporting processes. Periodically, data sponsors will verify the data entered and maintained by the Regions through focused data studies.

HQ data sponsors assist data owners in maintaining and improving the quality of Superfund program data. These data are available for data evaluation and reporting. Data sponsorship helps promote consistency in both national and Regional reporting. In addition, it provides a tool to improve data quality through program evaluation and adjustments in guidance to correct weaknesses detected.

Superfund/Oil Program Implementation Manual FY 99/00

Appendix F: Oil Pollution Prevention and Response Program

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Appendix F Oil Pollution Prevention and Response Program

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Appendix F
Oil Pollution Prevention and Response Program

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APPENDIX F

OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PRIORITIES

OVERVIEW

The Agency shares responsibility with the United States Coast Guard (USCG) and other agencies for implementing major provisions of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). EPA will work on finalizing proposed revisions to the Oil Pollution Prevention regulation, also known as the Spill Prevention, Control, and Countermeasure (SPCC) regulation; work the facilities on ensuring compliance with the SPCC regulation; continue the review, inspection, and approval of facility response plans (FRP); continue the development and improvement of area contingency plans (ACP) and participation in area drills and other exercises; and respond to oil spills, or direct, monitor or support others' responses, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan, or NCP. In addition, Regional offices will assist State Emergency Response Commissions (SERCs), Tribes, and Local Emergency Planning Commissions (LEPCs) in coordinating and linking FRPs with Community Response Plans (CRPs) developed pursuant to the Emergency Planning and Community Right Act of 1986 (EPCRA).

OIL PROGRAM INITIATIVES

In Fiscal Year (FY) 99/00, the Office of Solid Waste and Emergency Response (OSWER) will focus on addressing the following: above-ground storage tank/facility leakage and contamination; overseeing the continued implementation of FRPs through review, approvals, and inspections; overseeing implementation of the oil spill response provisions of the revised NCP; developing and maintaining data systems; improving the Spill Prevention Control and Countermeasures (SPCC) Program; conducting EPA-lead area exercises and participating in industry-lead inland area exercises, and enhancing coordination within and between government agencies. These initiatives, which will improve response and enforcement activities related to oil spills and leaks, are described in more detail in the remainder of this section.

Addressing Above-Ground Storage Facility (ASF) Leakage and Contamination

In FY 96, the Agency completed a study to determine whether liners or other secondary containment means will help prevent and detect leaks at above-ground storage facilities. As a result of this study and related research, the Agency will propose initiation of a cooperative program for industry, States, and environmental groups to investigate existing contamination, current facility design and procedures, and possible initiatives for contamination prevention and cleanup. EPA will also seek to initiate a pilot program while the proposal is pending.

Implementing FRPs

The OPA of 1990 requires that certain facility owners and operators prepare plans to respond to worst-case discharges of oil or a substantial threat of such a discharge. Owners/operators of such "substantial harm facilities" must submit their plans or stop handling, storing, or transporting oil. To ensure that such plans are implemented and response readiness maintained, OSWER will engage in the following activities:

- ***Coordinate with the Office of Enforcement and Compliance Assurance (OECA) on Oil Program Enforcement of the Spill Prevention Control and Countermeasures (SPCC)/FRP Rule*** — The primary goal of this initiative is to ensure that Program regulations, policy, implementation, and enforcement are consistently applied and support the same basic program objectives.

- **Implement Inspector Training to Ensure Consistent Implementation and Enforcement of the SPCC Prevention and Response Program** — The goal is to give training to all EPA Regions to achieve nationally consistent inspection of SPCC and FRP facilities.
- **Develop Preparedness Response Exercise Program (PREP) Guidance/Scheduling** — To ensure that facilities are able to fully implement their FRPs, the OPC will provide guidance on procedures and scheduling of periodic exercise sessions during which a facility puts into practice its FRP and ensures its effectiveness.
- **Continue to Review FRPs and Inspect Facilities** — Inspections of facilities and FRPs will continue. FRPs submitted after 2/18/93 will have to be reviewed, inspected, and approved. The 5-year cycle of review and approval of the FRP also will continue. The OPC also may observe internal facility drills/exercises.

Implementing the NCP

The revised NCP of 1994 implements several new regulations that directly affect the policies and procedures governing the Oil program. The NCP also redefines the roles and responsibilities of several program offices within the Oil program. These new regulations include a revision of Subpart J, which outlines technical requirements for chemical countermeasures, approval, and use on oil spills. They also include requirements for ACPs that ensure efficient responses to potential worst-case oil spills or discharges. The Oil Spill Program will have an integral role in the implementation of Subpart J and the monitoring of ACPs, and will be assisted by several other offices in these efforts. The following activities will be implemented as a result of the revised NCP:

- **Response**—In accordance with the NCP, EPA will respond to all oil spills to U.S. waters in the Inland Zone that are beyond the response capabilities of the Responsible Party and the state or local responders, or that otherwise require a Federal response. In addition, EPA will monitor or direct the response by others, as appropriate, or provide various types of technical and response support.
- **Subpart J** — Subpart J of the NCP requires EPA to prepare a product schedule of dispersants, chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Regional Response Teams (RRTs) and Area Committees (ACs), whose members are appointed by the President and consist of personnel from qualified Federal, State and local agencies, will address as part of their planning activities the desirability of using dispersants, surface washing agents, surface collecting agents, bioremediation agents, or miscellaneous spill control agents such as those listed on the NCP product schedule. This effort requires submission of effectiveness and/or toxicity testing for all product categories currently listed on the NCP product schedule. The Oil Program conducts validation testing for all dispersants.

The OPC is responsible for coordination, correspondence, and product review in support of Subpart J initiatives. In addition to this role, the OPC provides outreach to vendors, RRTs, and the general public regarding the use of chemical countermeasures.

- **Enhance the OPC's Involvement in Area Planning** — The OPC works with the Chemical Emergency Preparedness and Prevention Office (CEPPO) by monitoring area contingency planning efforts to ensure that they are providing the necessary link between the FRPs and the NCP, and that all contingency plans are coordinated to control a worst-case discharge of any size. OPC and CEPPO will ensure that plans are integrated and compatible, to the greatest extent possible, with all appropriate response plans of State, local, and non-Federal entities, and especially with Title III local emergency response plans.

Developing and Maintaining Data Systems

The availability of complete and comprehensive data on oil spill incidents and facilities is an integral component of the Oil program's planning and response efforts. During the upcoming year, the Oil program will focus its efforts in this area on the further development of pilot projects may lead to a new comprehensive Oil program database that records and track information on incidents (spills) and facilities. The program also will continue to maintain the current Emergency Response Notification System (ERNS), so that release notification information on oil and hazardous substances can be accessed quickly and efficiently. To achieve these goals, the Oil program will engage in the following activities:

- **Collection of Environmental Data** — Oil Spill Program will continue to assist the Regions in gathering spatial data for area contingency planning purposes. This data will include environmentally sensitive areas, such as wetlands, drinking water intakes, endangered species locations and similar areas. Oil Spill Program also will work with the Regions to incorporate this data and other spatial data, such as facility locations and spill locations, into a useable geographic information system (GIS) format, for both planning and response support purposes.
- **Develop Oil Information Management tools** — The Oil program information system will be developed for the purpose of recording and tracking information on Oil program actions at a site-specific level. The information system will interface with CERCLIS as necessary, and will be used primarily by the Regions to facilitate the flow of information within and between Regions. The system also will likely interface with some of the GIS applications described above.
- **Enhance and Maintain ERNS** — ERNS provides the most comprehensive data compiled on release notification of oil and hazardous substances nationwide. Information should be recorded in ERNS when a release is initially reported; when more specific data is verified, more detailed data on the spill should be entered into the system.

Improving the SPCC Program

The owners/operators of any facility subject to oil pollution prevention regulations are required to prepare and implement a SPCC plan. Plans must detail the procedures put into place to prevent and control oil spills. To ensure that such plans are developed and adhered to, the Office of Emergency and Remedial Response (OERR) will engage in the following activities:

- **Facilitate Regional Consistency** — The Oil program is working to facilitate consistency among the Regions in their implementation of SPCC inspections. (See the discussion on FRPs earlier in the chapter.)
- **Provide Regional Outreach** — Regional outreach efforts will be in the form of Headquarters (HQ) support of the Regions' efforts to successfully implement their oversight of the SPCC program.
- **Reduce Paperwork Burden** — In FY 98, the Agency proposed revisions to reduce the SPCC paperwork burden by over 25%. In FY 99, OPC will work on finalizing this proposal, as well as 1991 and 1993 proposed prevention provisions.

Coordinating with Other Agencies

The success of the Oil program relies heavily on the continued cooperation of several different agencies including the United States Coast Guard (USCG), the Department of Transportation (DOT), the Minerals Management Service (MMS), the National Oceanic and Atmospheric Administration (NOAA), and the Department of the Interior (DOI). Cooperation among these agencies ensures the efficient implementation of the NCP and FRP rule. To better instill this cooperation, a national bulletin board that will provide a means to share information on oil spill prevention and responses will be developed, a Memorandum of Understanding (MOU) with the USCG will be prepared, and model MOUs for Regions/States will be developed.

OIL SPILL PREVENTION AND CLEANUP ACTIVITIES

HQ and the Regions will continue to work to decrease the environmental damage caused by oil spills. The following measures will be taken in an effort to prevent oil spills:

- ***Targeting Inspections at the Higher Risk Facilities*** — Where inspections disclose violations, enforcement actions will be taken in an effort to prevent problems before they occur.
- ***Increasing the Amount of Cost Recovery Documentation*** submitted to NPFC following completion of spill response efforts.
- ***Planning and Conducting Responses to Oil Spills*** — Response actions will be conducted with the goal of minimizing pollution and subsequent environmental damage, including increasing the number of removal orders issued.
- ***Increasing the Number of Enforcement Penalty Actions*** taken as a result of oil or hazardous substances discharge.
- ***Evaluating the Agency's Response to Spills*** to determine the most appropriate response to spills of varying severity.
- ***Improving the Science of Oil Spill Response Through Efforts with Other EPA Offices and Industry Groups to Sponsor Such New Technologies as In-Situ Oil Burning and Surface Cleaning Agents*** — The Oil program will work through the National Response Team (NRT) to address national oil issues including participation in the Science and Technology, Preparedness, and Response Committees. The OPC will participate in special projects/reports such as a proposal for the review and approval of response plans to be done by the Federal On-Scene Coordinator (OSC) with jurisdiction for response.

OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANNING AND REPORTING REQUIREMENTS

OVERVIEW

In FY 99/00, the Oil Pollution Prevention and Response Program will continue to work on the further refinement of its planning, prevention, and response activities and incorporation of these activities into the existing National Response System (NRS) framework.

NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

The cornerstone of the Oil program's planning activities is the revised NCP, which outlines procedures and responsibilities for addressing potential oil and hazardous substance spills and discharges. This plan coordinates with, and is bolstered by, a number of similar Federal contingency plans, all of which are capable of handling "worst case discharges" of varying sizes and magnitudes. Exhibit F.1 displays the relationship of the Oil Pollution Prevention and Response Program plans and their relationship with the NCP.

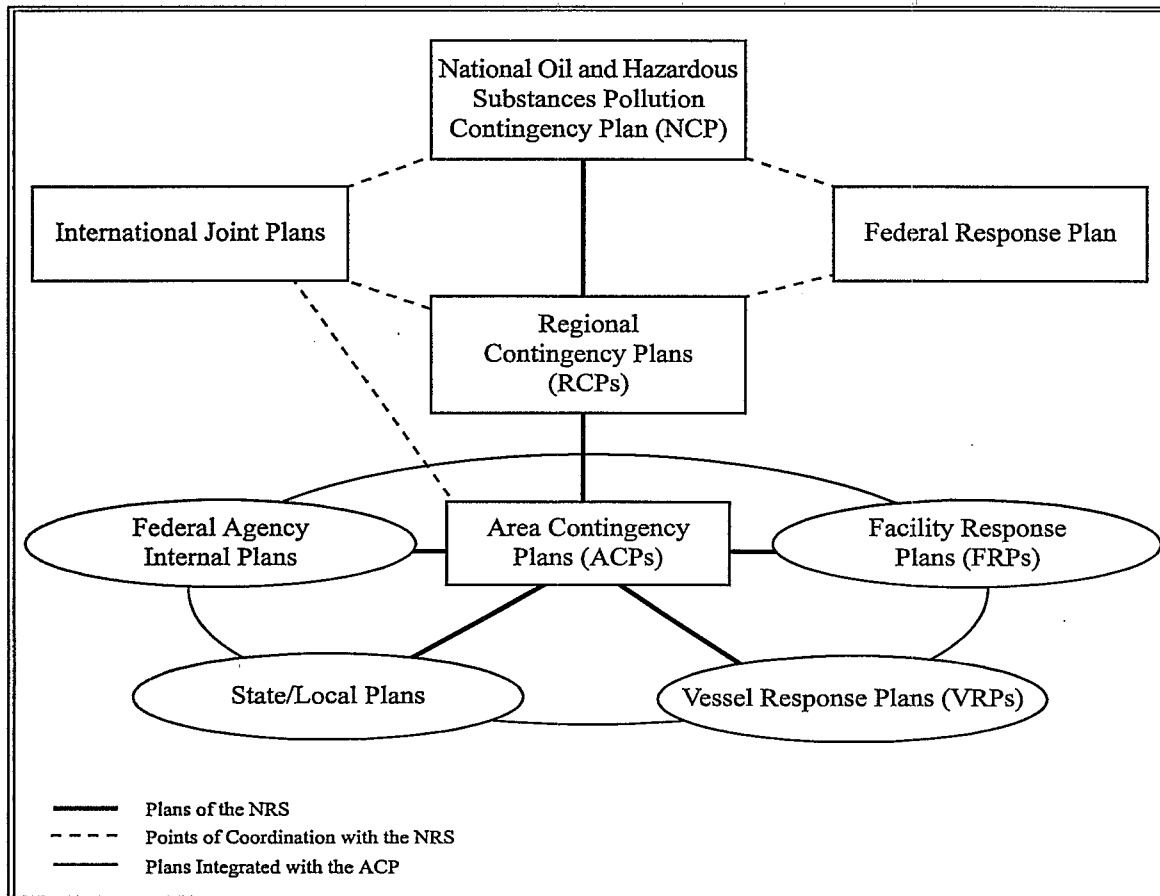
REGIONAL CONTINGENCY PLANS

The Regions' plans for oil and hazardous waste spill responses are outlined in Regional Contingency Plans (RCPs). RCPs are developed by Regional Response Teams (RRTs) in conjunction with the States, and provide for timely, effective, and coordinated responses to oil and hazardous waste spills by various Federal agencies and other governmental organizations. In addition, RCPs must follow the format and the intent of the NCP and be coordinated with State Emergency Response Plans (SERPs), ACPs, and the Local Emergency Response Plans (LERPs) provided for under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

AREA CONTINGENCY PLANS

ACPs are locality-specific oil and hazardous waste spill response plans. All ACPs are under the supervisory authority of a federally appointed OSC, and are formulated by a body known as an Area Committee (AC). The ACs work in conjunction with the appropriate RRTs, Coast Guard District Response Groups (DRGs), the National Strike Force Communication Center (NSFCC), Scientific Support Coordinators (SSCs), LEPCs, SERCs, and Tribes to ensure consistency and prevent duplication of response efforts and responsibilities. The ACP also should be implemented in conjunction with provisions of the NCP and be effective in responding to a worst case discharge and mitigating or preventing a substantial threat of such a discharge from a vessel or facility operating within or near the area. The OSC may conduct emergency response drills to ensure that existing contingency plans and mechanisms are effective in dealing with a potential worst case discharge.

EXHIBIT F.1
RELATIONSHIP OF OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANS



FEDERAL RESPONSE PLAN

If and when an oil or hazardous material spill is declared a national disaster by the President, the Federal Response Plan is the instrument used to ensure effective response and cleanup. The Federal Response Plan is an agreement signed by the 27 Federal departments and agencies responsible for responding to oil and hazardous waste spills. It is implemented only when an existing discharge is beyond the capabilities of the State and local authorities and/or the statutory authority of Federal agencies. Interagency Agreements (IAGs) may be utilized when necessary to ensure that Federal resources will be available for a timely response to a discharge or release.

There are also several smaller governmental plans and organizations that play an integral role in the NRS. SERCs are responsible for designating emergency planning districts, appointing LEPCs for each district, and supervising the creation of LERPs in accordance with Title III, Section 303 of SARA. LERPs should be reviewed and updated at least once a year to ensure their accuracy and effectiveness. The SERCs and LEPCs also are responsible for receiving and processing information requests from the public regarding discharges or subsequent response actions. CRPs set forth provisions and guidelines for communication within and between communities in the event of a spill or discharge. These plans should be coordinated as closely as possible with other response plans and ensure fluid transfer of necessary information from the lead agency to the members of the local community.

The final components of the NRS are the SPCC Plans, FRPs, and Vessel Response Plans (VRPs), produced by owners or operators of facilities or vessels that are subject to the OPA. All owners and operators of OPA regulated facilities must produce and implement a SPCC plan, which outlines procedures for preventing and controlling oil spills. FRPs, which focus on reactive measures, such as how facility personnel are to respond to a discharge, are not required unless it is deemed that a specific facility could cause "substantial and or significant harm" to the surrounding environment. FRPs must be consistent with the NCP as well as with the appropriate RCPs and ACPs, and must be updated periodically to ensure effective response. Finally, all "tank vessels," as defined by section 311(j)(5) of the Clean Water Act (CWA) (as amended), must prepare and submit a VRP for responding to a worst case discharge, or to a substantial threat of such a discharge of oil or hazardous substances.

An NCP product schedule must be kept for all dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents that may be used in mitigating oil and hazardous substance spills. Under Subpart J of the NCP, effectiveness testing and/or revised toxicity testing are required for all product categories listed on the NCP product schedule.

COMMUNICATIONS REQUIREMENTS ASSOCIATED WITH A RELEASE

The National Response Center (NRC), located at USCG HQ, is the national communications center for handling activities related to oil response actions. It acts as the single point of contact for all pollution incident reporting, and as the NRT communications center. Any oil spills or discharges must be reported by telephone to the NRC. The NRC is responsible for notifying the appropriate Federal OSC and any participating NRT member agencies of the release, and communicating all of the information that it has received to ensure that an appropriate response may be implemented. All of the information received from the initial notification report also must be entered into ERNS. This information can then be used by decision makers to solve emergency response and release prevention issues. When notification information is verified, more detailed data on the release should be added to ERNS. ERNS also can be accessed by enforcement personnel to determine whether or not timely notification of spills have been reported.

Specific reporting requirements must be met to ensure efficient communication and coordination during response actions. The Federal OSC must report any significant developments that occur during response actions to the RRT and other appropriate agencies through communications networks or other pre-approved channels. This information should be made available to the trustees of affected natural resources so that they remain informed during the course of the response action. The OSC also is required to produce (if the RRT or NRT deems it beneficial) a more detailed report on the removal actions taken, resources committed (financial and manpower), and problems encountered in responding to the spill or discharge. This report should be submitted first to the RRT, and then subsequently to the NRT within 30 days of its initial submission. In addition, Title III of SARA requires the reporting of information, as it becomes available, to community representatives that have a stake in the response actions. Two of the more commonly used mechanisms for ensuring compliance with Title III requirements are the establishment of a Joint Information Center, and/or an on-scene news office to report important developments as they occur. Finally, after the appropriate response action has been implemented, the lead agency is responsible for preparing a report that details the source of the release, PRP involvement, and the impacts or potential impacts on human health, welfare, and the environment posed by the discharge or spill.

OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FINANCIAL MANAGEMENT

OVERVIEW

The CWA as amended by the OPA established a dedicated trust fund for EPA to use for implementing many OPA provisions. The USCG administers the trust fund. The oil budget, which includes oil spill prevention, preparedness, and response is (like the Superfund budget) multi-year money that conforms to the Agency's administrative and programmatic budget structure.

BUDGET FORMULATION

The Oil program's budget formulation process begins approximately 20 months before the budget execution year. Currently, the Oil program establishes and defines goals and initiatives for the budget year in support of the Agency's strategic plan. In line with Agency guidance, the Oil program also develops a budget strategy to achieve these goals and establishes success. Examples include the number of oil spill cleanups.

OPERATING PLAN DEVELOPMENT

Once the Agency receives the Oil program appropriation, development of the finalized operating plan begins. The appropriated resources are allocated to Oil program activities, including response and regulatory support, enforcement, emergency response teams, and prevention.

BUDGET EXECUTION

During the budget execution year, Regions request programmatic funds for specific oil spill activities including:

- Responding to oil spills, monitoring private party responses, and investigation oil spill notifications;
- Conducting SPCC inspections including plan reviews, site visits, and follow-up;
- Participating in SPCC/FRP Inspector Training in regions as students and instructors;
- Reviewing FRPs to ensure safety and compliance and to provide early identification of potential oil spill dangers;
- Inspecting FRP facilities for plan implementation as part of the 5-year review cycle;
- Providing technical assistance to the USCG in response to coastal oil spills; and
- Performing and participating in ACP drills through PREP.

HQ reprograms the funds for Regional expenditure based on required requests. Oil spill activities also are performed by and funded directly out of HQ for such purposes as:

- Promoting bioremediation implementation with the Regions.

As the budget execution year closes, the Oil program uses actual obligations as the framework for developing the next year's budget to ensure that the formulation process most closely reflects program trends.

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OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FY 99/00 MEASURES

OVERVIEW

The following pages contain the definitions of the FY 99/00 Oil Pollution Prevention and Response Program measures. The measures are grouped under the following three program areas: Prevention/Preparedness; Response; or Enforcement. Exhibit F.2 displays these Oil program actions and indicates the program area grouping under which each measure falls. All oil program measures are reported semi-annually on a site- or facility-wide basis. Oil program measures are not reported site-specifically.

EXHIBIT F.2
FY 99/00 OIL POLLUTION PREVENTION AND RESPONSE PROGRAM ACTIONS

| Measure Name | Program Area |
|--|-----------------------------|
| Spill Prevention, Control, and Countermeasure (SPCC) Inspections and Plan Reviews | Prevention/ Preparedness |
| SPCC Facilities in Compliance | Prevention/ Preparedness |
| Oil Facility Response Plans Reviewed and Approved | Prevention/ Preparedness |
| Area Contingency Plans | Prevention/ Preparedness |
| PREP Area Drills | Prevention/ Preparedness |
| Oil Spill Notifications | Response |
| Oil Spill Investigations/ Preliminary Assessment | Response |
| Oil Spill Cleanups | Response |
| Oil Spill Monitoring/Directing | Response |
| Cost Documentation | Response |
| Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations | Enforcement |
| Judicial Enforcement Actions for Spill Violations and Prevention Regulation Violations | Enforcement |
| Orders for Removal Issued to a Responsible Party | Enforcement |

OIL POLLUTION PREVENTION AND RESPONSE PROGRAM DEFINITIONS

PREVENTION/PREPAREDNESS MEASURES:

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) INSPECTIONS AND PLAN REVIEWS

Definition:

For this measure, SPCC inspections include site inspections and SPCC plan reviews performed by EPA and/or the support contractors. For both actions listed below, each separate facility or SPCC plan will count as a single credit, no matter how extensive or complex the facility is.

Definition of Accomplishment:

Two actions are counted separately for SPCC inspections (Action Name = SPCC Inspections/Reviews):

- Site inspection, which may include separate counts for an initial visit and for a follow-up compliance inspection; or
- The completion of the review of a written SPCC plan, as documented by the submittal of correspondence to a facility regarding the review of the SPCC plan.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of inspections and plan reviews are reported non-site specifically in CERCLIS.

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) FACILITIES IN COMPLIANCE

Definition:

For this measure, SPCC inspections include site inspections performed by EPA and/or the support contractors. Each separate facility will count as a single credit, no matter how extensive or complex the facility is.

Definition of Accomplishment:

The SPCC Plan is in compliance with the SPCC requirements of the Oil Pollution Prevention Regulation, and the SPCC Plan has been fully implemented at the facility.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of facilities in compliance is reported non-site specifically in CERCLIS.

OIL FACILITY RESPONSE PLANS REVIEWED AND APPROVED

Definition:

Under the OPA, facilities that store oil and have the potential to cause "substantial harm" to the environment must prepare a response plan for a worst-case discharge. The subset of those facilities that have the potential to cause "significant and substantial harm" to the environment require review and approval by EPA, although all facilities may be reviewed by EPA. This measure counts the number of oil Facility Response Plans (FRPs) reviewed and approved by the Region.

Definition of Accomplishment:

The initial evaluation, detailed review, site inspection, and approval of one response plan will each be counted separately (Action Name = Facility Response Plan Review).

Initial Evaluation: Date of the first piece of correspondence from EPA to the facility that includes an initial determination of whether the plan is complete and identification of "significant and substantial harm" facilities. Regions will receive credit for an initial evaluation only once for each plan received.

Detailed Review: Date of the first piece of correspondence from EPA to the facility after completion of a review checklist or equivalent level of review. Regions will receive credit for detailed review of each plan once for each approval cycle or each material change and subsequent resubmission.

FRP Site Inspections: Date of each site visit made as part of a FRP review, as recorded in site files or inspection report. Regions will receive credit for each separate site visit as part of a FRP review.

Final Approval: Date of the letter from EPA to the facility approving the response plan. Regions will receive credit for each new approval during each review cycle.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of response plans evaluated, reviewed, and approved are reported non-site specifically in CERCLIS.

AREA CONTINGENCY PLANS

Definition:

Under the OPA, Regions are required to work with Area Committees (ACs) and develop Area Contingency Plans (ACPs). Regions vary as to whether they will publish a single plan with several sub-area annexes, or several separate ACPs. A Region that publishes one ACP with four sub-area annexes will receive the same credit as a Region that publishes four separate ACPs.

Definition of Accomplishment:

Regions will receive credit for each publication of a contingency plan for an area or sub-area within that Region. Publication consists of submission to the National Technical Information Service (NTIS) for public distribution, or an equivalent level of finalization for distribution (Action Name = Area Contingency Plans).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of ACP publications are reported non-site specifically in CERCLIS.

PREPAREDNESS FOR RESPONSE EXERCISE PROGRAM (PREP) AREA DRILLS

Definition:

OPA requires periodic drills and exercises of ACPs and FRPs. To satisfy this requirement, EPA in conjunction with other Federal agencies helped establish PREP Area Drills, a key part of the PREP program, bring together one or more industry groups (e.g., facilities, vessels) and usually several Federal and State agencies on complex drill scenarios. Each year, six inland (one EPA-lead) and fourteen coastal area drills will be scheduled.

Definition of Accomplishment:

Two actions are counted separately for PREP Area Drills (Action Name = PREP Area Drills):

- EPA-lead PREP Area Drills, which will typically be one per year nationally; and
- Participation in non-EPA lead PREP Area Drills, which can include industry-lead drills or drills led by other Federal agencies. Region receives credit the date a letter, form, or memo documenting that the Region has participated in the drill. EPA's role will likely include some level of participation during drill preparation as well as participation during the actual drill.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of PREP Area Drills are reported non-site specifically in CERCLIS.

RESPONSE MEASURES:

OIL SPILL NOTIFICATIONS

Definition:

An oil spill notification is defined as a report to EPA of an oil discharge into the environment. This measure includes the number of sites or incidents where an oil spill notification is received.

Definition of Accomplishment:

A release notification is counted when a report of an oil spill is received, processed, and logged by EPA through ERNS (Action Name = Oil Spill Notification).

Changes in Definition 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of oil spill notifications is reported non-site specifically in CERCLIS.

OIL SPILL INVESTIGATIONS/PRELIMINARY ASSESSMENTS**Definition:**

An Oil Spill Investigation is the process of collecting field data on an actual or potential oil release for the purpose of characterizing the magnitude and severity of the hazard. This Preliminary Assessment is typically related to "mystery spills." It is geared towards determining the source of such spills and potential impacts prior to actually taking a response action (if one is needed).

Definition of Accomplishment:

Regions will receive credit for the site visit to investigate and conduct a Preliminary Assessment of a spill or potential spill. Oil Spill Investigations/Preliminary Assessments (Action Name = Oil Spill Investigations) are documented by a letter, form, or memo to the file recording the site visit.

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of oil spill investigations is reported non-site specifically in CERCLIS.

OIL SPILL CLEANUPS**Definition:**

This measure is defined as an oil spill cleaned up by EPA using OPA response funds. A single incident should be counted only once regardless of how many times an EPA OSC goes back on-scene or how many phases the response entails.

Definition of Accomplishment:

For this measure, oil spill cleanup starts and completions will serve as two separate counts.

Oil Spill Cleanup Start Date: Date the contract modification, delivery order, or Pollution Reimbursement Funding Authorization for an oil spill cleanup at a site is signed (Action Name = Oil Spill Cleanup Starts).

Oil Spill Cleanup Completion Date: Date the final Pollution Report (POLREP) is issued (Action Name = Oil Spill Cleanup Completions).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of oil spill cleanups started and completed are reported non-site specifically in CERCLIS.

OIL SPILL MONITORING/DIRECTING

Definition:

EPA may use OPA and CWA §311 authority to provide oversight and technical assistance to PRPs or other Federal, State, or local agency responses to oil spills.

Definition of Accomplishment:

The issuance of the first POLREP at a spill where the PRPs or other Federal, State, or local agencies are performing a response will be considered the start of a monitoring/directing action activity (Action Name = Oil Spill Monitoring/Directing).

Changes in Definition FY 98 - FY 99/00:

Clarification added to definition of parties to which EPA may provide oversight/technical assistance.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of spills where EPA is providing oversight and technical assistance is reported non-site specifically in CERCLIS.

COST DOCUMENTATION

Definition:

In conducting responses to oil spills, the Agency can access the Oil Spill Liability Trust Fund's (OSLTF) emergency response allocation, which is managed by the U.S. Coast Guard (USCG). Based on EPA's agreements with USCG, the Agency must submit cost documentation packages within a reasonable amount of time after the completion of the oil spill response, and sometimes interim reports based on the duration of the response and the ends of fiscal years. This measure counts two actions: how many times the Region accessed the OSLTF [based on federal project numbers (FPNs) issued]; and how many cost documentation packages the Region prepared and submitted to the Cincinnati financial office. Although the account numbers established and cost documentation packages may not match the FPNs issued one-for-one, this measure will provide a good indicator of progress toward submitting the required documentation.

Definition of Accomplishment:

For this measure, two actions are counted:

- Number of FPNs issued to the Region (date FPN issued) (Action Name = Federal Project Number Issued); and
- Number of cost documentation packages the Region prepared and submitted to the Cincinnati financial office (date package submitted) (Action Name = of Cost Docm Pkge Issued).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of FPNs issued and cost documentation packages submitted are reported non-site specifically in CERCLIS.

ENFORCEMENT MEASURES:

ADMINISTRATIVE PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS

Definition:

Administrative enforcement actions are taken by the Region as a result of violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

Definition of Accomplishment:

Date that the complaint is filed in the administrative docket (Action Name = Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of complaints filed is reported non-site specifically in CERCLIS.

JUDICIAL PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS

Definition:

Judicial enforcement cases are initiated by the Regions in response to violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

Definition of Accomplishment:

Date of the letter or memo referring the case to the Department of Justice (DOJ) (Action Name = Judicial Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of judicial referrals is reported non-site specifically in CERCLIS.

ORDERS FOR REMOVAL ISSUED TO A RESPONSIBLE PARTY

Definition:

This measure counts the number of Administrative Orders (AO) for removal issued to a party under Section 311 of the Clean Water Act.

Definition of Accomplishment:

An order is counted on the date it is signed by the appropriate Regional official (Action Name = Orders for Removals Issued to a Responsible Party).

Changes in Definition FY 98 - FY 99/00:

None.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. The number of orders issued is reported non-site specifically in CERCLIS.

Superfund/Oil Program Implementation Manual FY 99/00

**Appendix G: Superfund Reforms Measures of Success
(OERR and OSRE)**

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Appendix G
Superfund Reforms Measures of Success (OERR and OSRE)

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SUPERFUND REFORMS MEASURES OF SUCCESS (OERR & OSRE) G-1

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APPENDIX G

SUPERFUND REFORMS MEASURES OF SUCCESS (OERR & OSRE)

The following measures of success have been identified for FY 99/00 to evaluate the impact that Superfund reforms have had on the program. For more information on this topic, please see Superfund Reforms and Current Program Priorities in Chapter I, and the Superfund Reforms and Measures of Success section in Appendix C, Enforcement.

1. Number of proposed cleanup decisions reviewed by the National Remedy Review Board and the estimated impact of reviews.
2. Number of existing records of decision for site cleanups updated based on (1) the latest in scientific information and technological advancements, or (2) non-scientific changes and the estimated dollar savings as a result of reviews.
3. Of the new RI/FS starts this year, the number (and percentage) where the community was substantively involved in the design of the risk assessment or where the risk assessment was conducted by PRPs.
4. Of the new RI/FS starts this year, the number (and percentage) of risk assessments performed using the generic risk assessment statement of work and the number utilizing standard risk data reporting tables.
5. Number of sites considered as low priority for listing on the NPL or NFRAP because cleanup activities were considered in setting priorities; the number of partial site deletions (Federal facility and other NPL sites) initiated by EPA to return property to productive uses return, and the economic and other impacts on the community.
6. Number of Federal Facility Agreements revised to reflect changes in priority activities within DoD and DOE facilities (i.e., number of agreements and number of milestones revised).
7. Number of non-Federal facility, NPL sites ranked (prioritized and funded) under the Superfund Risk-Based Priority Setting System.
8. Number of negotiations where EPA offered to compensate a portion of the orphan share and the total dollar amount offered; and number of settlements where EPA compensated for a portion of the orphan share and the total dollar amount compensated.
9. Number of settlements establishing interest-bearing special accounts for future site costs and the total dollar amount set aside in such accounts.
10. For each section 106 UAO issued, the number of parties identified at the site, the number of parties excluded and documentation of the reasons for exclusion.
11. Number of settlements with *de micromis* parties and number of *de micromis* parties entering into such settlements.
12. Number of Prospective Purchaser Agreements (PPAs) issued.
13. Number of sites where EPA discussed its previous and planned oversight activities with capable and cooperative PRPs, sent a letter to the PRPs describing efforts to control/reduce oversight, and issued an oversight bill as appropriate.

OSWER Directive 9200.3-14-1E

14. Number of NPL sites where the community was involved in the remedy selection process, beyond commenting on the record of decision. Number of NPL and non-NPL sites where the State (or Tribe) has the lead role in the responses, including selection of the cleanup remedy, consistent with CERCLA and the NCP.
15. Number of major cases completed by the Regional Superfund Ombudsman.

Superfund/Oil Program Implementation Manual FY 99/00

Appendix H: Government Performance and Results Act (GPRA)

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Appendix H Government Performance and Results Act (GPRA)

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Appendix H

Government Performance and Results Act (GPRA)

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA) OF 1993

"The Law ... requires that we chart a course for every endeavor...see how well we are progressing, tell the public how we are doing, stop the things that don't work, and never stop improving..."

President William Clinton, 3 AUG 93

Superfund's program planning and reporting requirements have evolved and matured from intricate, internally focused measures, to aligning and measuring resources with activities and reporting the environmental outcomes of the work undertaken at hazardous waste sites. The National Goals Project of 2005 and the Chief Financial Officer's (CFO) Act are legislative and administrative initiatives that have guided the evolution of Superfund program management by gradually shifting the focus from administrative program success to a results-oriented future (e.g., Superfund Environmental Indicators) in which the program is held accountable for its actions. These various initiatives will be the starting point for finalizing the Congressionally-mandated GPRA, which provides the overarching principles for Superfund program management now and in future years. For additional information regarding GPRA, please see Appendix G: Superfund Reforms Measures of Success.

In 1993, Congress enacted the Government Performance and Results Act of 1993 (Public Law 103-62) based on its findings that:

- Waste and inefficiency in Federal programs undermine the confidence of the American people in the government and reduces the Federal government's ability to adequately address vital public needs;
- Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness because of insufficient articulation of program goals and inadequate information on program performance; and
- Congressional policy making, spending decisions, and program oversight are seriously handicapped by insufficient attention to program performance and results.¹

The purposes of the Act are to:

- Improve the confidence of the American people in the capability of the Federal government, by systematically holding Federal agencies accountable for achieving program results;
- Initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;
- Improve Federal program effectiveness and public accountability by promoting a new focus on results, service, quality, and customer satisfaction;
- Help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;

¹ Public Law 103-62, section 2(a)

- Improve Congressional decision making by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and
- Improve internal management of the Federal government.²

To carry out the provisions of GPRA, agencies are required to generate strategic plans, annual performance plans, and program performance reports.

Strategic Plan Requirements

Agencies were required to submit their strategic plan no later than September 1997. The strategic plan must be updated once every three years or when there are significant policy, programmatic, or other changes to any element of the current plan. Minor changes to the strategic plan can be incorporated in advance of the three-year cycle by including the changes in the annual performance plan.³

The strategic plan covers a period of six years — the current fiscal year (FY) and the five fiscal years following the current fiscal year. For example, if the strategic plan is submitted for FY 1998, the plan would cover the fiscal years 1998 through 2003.⁴ The elements of the strategic plan required by GPRA are as follows:

Comprehensive Mission Statement

The mission statement is a brief statement which defines the basic purpose of the agency. It focuses on the core programs and activities, including a brief discussion of the enabling or authorizing legislation and issues Congress specifically charged the agency to address.⁵

General Goals and Objectives

The strategic plan documents the long-term programmatic, policy, and management goals of the agency, including the planned accomplishments and the schedule for their implementation. The general goals and objectives elaborate how the agency is carrying out its mission. Often this will be in the form of outcome-type goals.^{6,7}

² Public Law 103-62, section 2(b)

³ OMB Circular A-11 (revised 1995), part 2, section 200.4

⁴ OMB Circular A-11 (revised 1995), part 2, section 200.5

⁵ OMB Circular A-11 (revised 1995), part 2, section 200.8

⁶ An outcome goal is defined as a description of the intended result, effect, or consequence that occur from carry out a program or activity.

⁷ OMB Circular A-11, (revised 1995), part 2, section 200.9

The criteria for the general goals and objectives are as follows: (a) the goals/objectives need to be precise in order to direct and guide the staff to fulfill the mission of the agency; (b) the goals/objectives should be within the agency's span of influence; and (c) the goals/objectives should be defined in a manner that allows future assessment to be made on whether the goals/objectives were or are being achieved.⁸

Description of How General Goals and Objectives Will Be Achieved

This section describes the means the agency will use to meet the general goals and objectives. This includes, when applicable: (a) operational processes; (b) skills and technologies; and (c) human, capital, information and other resources.⁹

Relationship Between Goals in the Annual Performance Plan and in a Strategic Plan

The strategic plan should briefly outline: (a) the type, nature, and scope of performance goals to be included in a performance plan; (b) the relationship between the performance goals and the general goals and objectives; and (c) the relevance and use of performance goals in helping determine the achievement of general goals and objectives.¹⁰

Key Factors Affecting Achievement of General Goals and Objectives

The strategic plan identifies key external factors¹¹ that are beyond the Agency's control that could significantly affect the achievement of the general goals and objectives. The external factor needs to be linked to a goal(s) and describe how the achievement of the goal could be affected by the factor.¹²

Program Evaluations

Program evaluations that were used in preparing the strategic plan should be briefly described. Also, a schedule for future program evaluations needs to be included.¹³ The development of the strategic plan is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.¹⁴

⁸ OMB Circular A-11, (revised 1995), part 2, section 200.9

⁹ OMB Circular A-11, (revised 1995), part 2, section 200.10

¹⁰ OMB Circular A-11, (revised 1995), part 2, section 200.11

¹¹ External factors may be economic, demographic, social or environmental and the factors may remain stable or change within a predicted rate or vary to an unexpected degree. Achievement of goals can also depend on the action of Congress, other Federal agencies, States, local governments, Tribes, or other non-Federal entities.

¹² OMB Circular A-11, (revised 1995), part 2, section 200.12

¹³ OMB Circular A-11 (revised 1995), part 2, section 200.13

¹⁴ Public Law 103-662, section 306(e)

Annual Performance Plan

Agencies were required to submit a performance plan to Office of Management and Budget (OMB) by September 1997. Beginning with fiscal year 1999, the performance plan must be submitted to Congress. The plan must be submitted annually thereafter, and it must be consistent with the agency's strategic plan.¹⁵ The performance plan includes the following:

Performance Goals

Objective, quantifiable, and measurable performance goals should be established that define the level of performance to be achieved by a program activity. If it is not feasible to express the goals in an objective, quantifiable, and measurable form, then OMB may authorize an alternate form.

Resources

A brief description of the operational processes, skills and technology, and the human, capital, information, or other resources required to meet performance goals.

Performance Indicators

Performance indicators to assess the relevant outputs, service levels, and outcomes of each activity.

Verification and Validation

A basis for comparing actual program results with the established performance goals, and a description of the methodology to be used to verify and validate measured values.¹⁶

The development of the annual performance plan is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.¹⁷

Program Performance Reports

Agencies are required to submit the program performance report to the President and Congress no later than March 31, 2000.¹⁸ The performance report includes:

- The performance indicators in the agency performance plan with a comparison of the program performance achieved against the performance goal(s) that were set;
- A review of the success in achieving the performance goals;

¹⁵ Public Law 103-62, section 4(a)(29)

¹⁶ Public Law 103-62, section 1115(a)

¹⁷ Public Law 103-662, section 1115(e)

¹⁸ Public Law 103-62, section 1116(a)

- An assessment of the performance plan for the current fiscal year relative to the performance achieved in the preceding fiscal year;
- An explanation and description where a performance goal was not met, of: (a) why the goal was not met; (b) plans and schedules for achieving the performance goal; or (c) recommended action if the performance goal is impractical or infeasible (e.g., current or future funding is inadequate, an unforeseen occurrence impedes achievement);
- A description of the use and effectiveness of a managerial flexibility waiver in achieving the performance goal.
 - An indication of any individual or organizational consequences resulting from a failure, after using the waiver, to maintain the previous level of performance.
 - A brief explanation of the reasons for suspending or ending prematurely any waiver that was in effect for the fiscal year;
- The summary of the program evaluations completed during the fiscal year;
- Performance trend data for the three preceding fiscal years. These data will phase into the report (e.g., for FY 2000, FY 1999 data; for FY 2001, FY 1999 - FY 2000 data; for FY 2002, FY 1999 - 2001 data; for FY 2003, FY 2000 - 2002 data); and
- An acknowledgment of the role, and a description of the contributions made by non-Federal entities in the preparation of the report.¹⁹

Agencies may elect to report on program performance under GPRA using the annual financial statement required by the Chief Financial Officer's Act, but the report must be submitted by March 31 of the year following the FY covered by the report.²⁰ The development of the program performance report is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.²¹

EPA'S MISSION STATEMENT

The mission of the U. S. Environmental Protection Agency is to protect human health and to safeguard the natural environment—air, water, and land—upon which life depends.

EPA's purpose is to ensure that:

- All Americans are protected from significant risks to human health and the environment where they live, learn, and work.
- National efforts to reduce environmental risk are based on the best available scientific information.

¹⁹ Public Law 103-62, section 1116(d)

²⁰ Public Law 103-62, section 1116(e)

²¹ Public Law 103-662, section 1116(f)

- Federal laws protecting human health and the environment are enforced fairly and effectively.
- Environmental protection is an integral consideration in U. S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy.
- All parts of society—communities, individuals, business, state and local governments, tribal governments—have access to accurate information sufficient to effectively participate in managing human health and environmental risks.
- Environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive.
- The U. S. plays a leadership role in working with other nations to protect the global environment.

EPA'S GOALS

1. Clean Air:

The air in every American community will be safe and healthy to breathe. In particular, children, the elderly, and people with respiratory ailments will be protected from health risks of breathing polluted air. Reducing air pollution will also protect the environment, resulting in many benefits, such as restoring life in damaged ecosystems and reducing health risks to those whose subsistence depends directly on those ecosystems.

2. Clean and Safe Water:

All Americans will have drinking water that is clean and safe to drink. Effective protection of America's rivers, lakes, wetlands, aquifers, and coastal and ocean waters will sustain fish, plants, and wildlife, as well as recreational, subsistence, and economic activities. Watersheds and their aquatic ecosystems will be restored and protected to improve public health, enhance water quality, reduce flooding, and provide habitat for wildlife.

3. Safe Food:

The foods Americans eat will be free from unsafe pesticide residues. Children especially will be protected from the health threats posed by pesticide residues, because they are among the most vulnerable groups in our society.

4. Preventing Pollution and Reducing Risk in Communities, Homes, Workplaces and Ecosystems:

Pollution prevention and risk management strategies aimed at cost-effectively eliminating, reducing, or minimizing emissions and contamination will result in cleaner and safer environments in which all Americans can reside, work and enjoy life. EPA will safeguard ecosystems and promote the health of natural communities that are integral to the quality of life in this nation.

5. Better Waste Management, Restoration of Contaminated Waste Sites, and Emergency Response:

America's wastes will be stored, treated, and disposed of in ways that prevent harm to people and to the natural environment. EPA will work to clean up previously polluted sites, restoring them to uses appropriate for surrounding communities, and respond to and prevent waste-related or industrial accidents.

6. Reduction of Global and Cross-Border Environmental Risks:

The United States will lead other nations in successful, multilateral efforts to reduce significant risks to human health and ecosystems from climate change, stratospheric ozone depletion, and other hazards of international concern.

7. Expansion of Americans' Right to Know About Their Environment:

Easy access to a wealth of information about the state of their local environment will expand citizen involvement and give people tools to protect their families and their communities as they see fit. Increased information exchange between scientists, public health officials, businesses, citizens, and all levels of government will foster greater knowledge about the environment and what can be done to protect it.

8. Sound Science, Improved Understanding of Environmental Risk, and Greater Innovation to Address Environmental Problems:

EPA will develop and apply the best available science for addressing current and future environmental hazards, as well as new approaches toward improving environmental protection.

9. A Credible Deterrent to Pollution and Greater Compliance with the Law:

EPA will ensure full compliance with laws intended to protect human health and the environment.

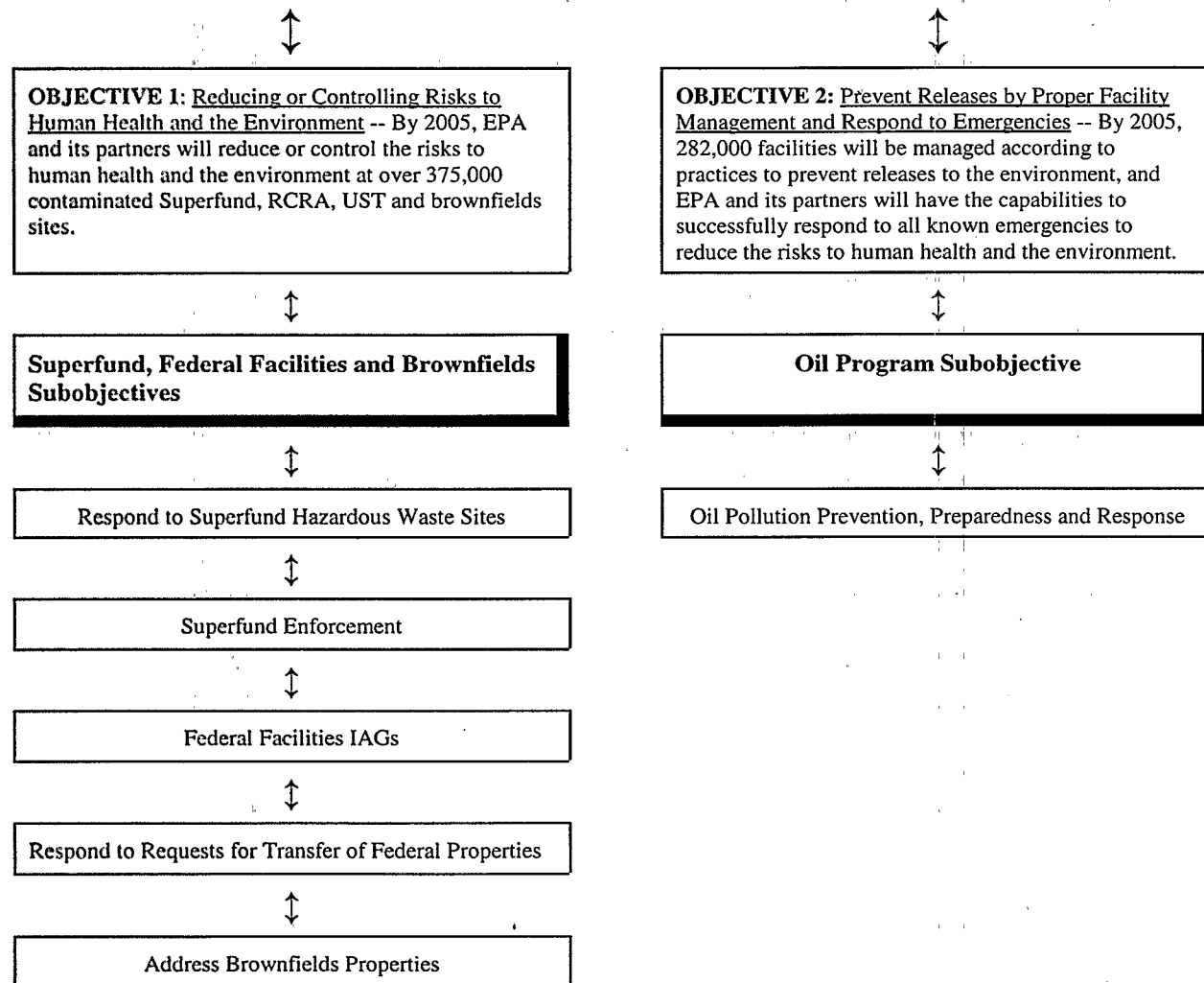
10. Effective Management:

EPA will establish a management infrastructure that will set and implement the highest quality standards for effective internal management and fiscal responsibility.

GPRA GOALS, OBJECTIVES, SUBOBJECTIVES STRUCTURE

GOAL 5: BETTER WASTE MANAGEMENT, RESTORATION OF CONTAMINATED WASTE SITES, AND EMERGENCY RESPONSE

America's wastes will be stored, treated, and disposed of in ways that prevent harm to people and to the natural environment. EPA will work to clean up previously polluted sites, restoring them to uses appropriate for surrounding communities, and respond to and prevent waste-related or industrial accidents.



SUPERFUND, BROWNFIELDS, AND OIL GPRA SUBOBJECTIVES AND PERFORMANCE MEASURES

Respond to Superfund Hazardous Waste Sites: By 2005, EPA and its state, tribal, and Federal partners will reduce the risks that Superfund sites pose to public health and the environment by: (1) completing construction at a total of 1,200 National Priorities List sites; (2) conducting 2,400 additional removal actions; (3) determining if Superfund cleanup is needed at 85% of the sites entered into the Superfund site data base (CERCLIS); (4) maximizing Potentially Responsible Party participation in conducting/funding response actions; (5) meeting statutory deadlines for Federal facility activities. EPA will collaborate with States and Indian Tribes to enhance the Federal, state, and tribal Superfund program, reduce overlap among the programs, and leverage public and private resources to promote cost-effective, efficient cleanups of Superfund sites.

Superfund Enforcement—By 2005, EPA will continue to maximize the participation of potentially responsible parties in conducting/funding response actions at Superfund sites while promoting fairness during the enforcement process. Based on the urgency of the situation and/or the capabilities of the PRPs, EPA will optimize PRP removals. More than 70% of the long-term cleanup actions are now financed by PRPs, and EPA's goal is to maintain or increase that level of participation. EPA will do this through orphan share compensation, *de minimis* settlements, cash-out, mixed funding, mixed work, alternative dispute resolution, ability-to-pay settlements, PRP oversight, and interest bearing special accounts where applicable. At sites where EPA decides to issue Unilateral Administrative Orders (UAOs), EPA will issue or document non-issuance of UAOs to 100 percent of non-settling parties (except UAOs for time critical or emergency removal actions). In addition, EPA will address cost recovery at 100 percent of all NPL and non-NPL sites with total past costs equal to or greater than \$200,000 which need to be addressed prior to the expiration of the Statute of Limitations (SOL).

Federal Facility Enforcement

-- By 2005, EPA will ensure compliance with Federal facility statutes and CERCLA agreements and ensure completion of current NPL CERCLA IAGs.

Respond to Request for Transfer of Federal Properties -- By 2005, the Federal facility program will respond to 100 percent of all known requests to facilitate and assist with the transfer of Federal properties for use, reuse or redevelopment.

Address Brownfields Properties -- By 2005, EPA and its partners will facilitate the reuse of 300 Brownfields properties by providing technical and financial assistance to communities.

Oil Pollution Prevention, Preparedness, and Response -- By 2005, (1) 3,000 additional facilities will be in compliance with the spill prevention, control, and countermeasure provisions of the oil pollution prevention regulation and therefore better prepared to prevent oil spills; (2) 1,600 additional facilities will be adequately prepared to respond to oil spills as measured by the number of approved response plans prepared in compliance with statutory and regulatory requirements, and to the maximum extent practicable, tribal traditions and customs; and (3) EPA will demonstrate significant improvements in area contingency planning for oil spills. Each year, all significant oil spills in the inland zone will be responded to in an effective manner by the responsible party, the state or local spill responders, or if necessary, EPA.

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Appendix J: Community Involvement

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Appendix J Community Involvement

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Community Involvement

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APPENDIX J COMMUNITY INVOLVEMENT

J.A FY 99/00 TARGETS AND MEASURES

J.A.1 OVERVIEW OF FY 99/00 COMMUNITY INVOLVEMENT TARGETS/MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor progress each Region is making towards achieving the GPRA targets and annual performance goals. In addition, SCAP will continue to be used as a management tool to project and track activities that contribute to those GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, targets (GPRA targets/annual performance goals) and measures (GPRA and program measures) are defined as follows:

- ***GPRA Targets/Annual Performance Goals*** are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices. They are numerical goals that are established nationally prior to the start of the operating year; for example, 136 construction completions at Superfund National Priorities List (NPL) sites in FY 99.
- ***Measures*** are activities deemed essential to tracking overall program progress; there are no externally reported numerical goals or estimates associated with measures. There are two types of measures: GPRA measures and program measures. GPRA measures simply track the number of actions that occur throughout the year (accomplishments) and are used to evaluate program progress; for example, the number of agreements negotiated with States and Tribes. Program measures are used to project the number of events and activities that each Region expects to perform during the year using anticipated resources; for example, the number of sites where EPA settled based on ability-to-pay determinations.

The following pages contain, in pipeline order, the definitions of the FY 99/00 community involvement activities. Exhibit J.1 displays the full list of community involvement activities defined in this Appendix. These measures are tracked at Federal and non-Federal facility sites.

EXHIBIT J.1
COMMUNITY INVOLVEMENT ACTIVITIES

| ACTIVITY | GPRA Target/Annual Performance Goal | MEASURE | |
|--|--|---------|---------|
| | | GPRA | PROGRAM |
| Community Involvement Plan | | | ✓ |
| Information Repository | | ✓ | |
| Public Meeting | | | ✓ |
| Community Advisory Groups/Restoration Advisory Boards/Site-Specific Advisory Boards | | ✓ | |
| Technical Assistance Grants (TAGs) | | ✓ | |
| Technical Outreach Services for Communities (TOSC) | | | ✓ |

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

J.A.2 COMMUNITY INVOLVEMENT PLAN

Definition:

The National Contingency Plan (NCP) requires a Community Involvement Plan for all remedial response actions and for all removals longer than 120 days. Community Involvement Plans document concerns identified during community interviews and provide a detailed description of the community involvement activities planned on the basis of these interviews. For remedial actions, the plan must be prepared before the Remedial Investigation/Feasibility Study (RI/FS) begins. A revised plan that identifies additional activities during Remedial Design (RD) and remedial construction should be prepared before RD begins.

Definition of Accomplishment:

Community Involvement Plan: Date the Community Involvement Plan is published/issued (e.g. date stamped on document) by the appropriate Regional official is reported in WasteLAN as the actual completion date (Actual Complete) of the SubAction "Community Involvement Plan."

Amended Community Involvement Plan: The date the Amended Community Involvement Plan is published/issued (e.g., date stamped on document) by the appropriate Regional official is reported in WasteLAN as the actual completion date (Actual Complete) the SubAction "Rev Community Involvement Plan."

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

These SubActions are valid for the following Actions in WasteLAN: PRP Community Relations, Federal Facility Community Relations, Remedial Community Relations, and Removal Community Relations. Funds for Community Involvement Plans are in the Federal facility, site characterization, removal, or enforcement AOA's. This is a program measure.

J.A.3 INFORMATION REPOSITORY

Definition:

The information repository is a project file or repository containing site information, documents on site activities, and general information about the Superfund program. EPA requires an information repository at all sites where remedial activities are being performed and any sites where a removal action is being conducted that is likely to extend beyond 120 days.

Definition of Accomplishment:

The date the Information Repository is established is reported in WasteLAN as the actual completion date (Actual Complete) of the SubAction "Info Repository Established."

Changes in Definition FY 98 - FY 99/00:

This is a new GPRA measure.

Special Planning/Reporting Requirements:

This is a GPRA measure. This SubAction is valid for the following Actions in WasteLAN: PRP Community Relations, Federal Facility Community Relations, Remedial Community Relations, and Removal Community Relations.

J.A.4 PUBLIC MEETING

Definition:

Public meeting is a forum to inform citizens of ongoing response activities, and to discuss and receive citizen feedback on the proposed course of action. The Agency must offer to hold a public meeting before adopting a plan for remedial action or ROD.

Definition of Accomplishment:

The date the public meeting is held is reported in WasteLAN as the actual completion date (Actual Complete) of the SubAction "Public Meeting."

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

This is a program measure. This SubAction is valid for the following Actions in WasteLAN: PRP Community Relations, Federal Facility Community Relations, Remedial Community Relations, and Removal Community Relations.

J.A.5 COMMUNITY ADVISORY GROUPS (CAGs)/RESTORATION ADVISORY BOARDS (RABs)/SITE-SPECIFIC ADVISORY BOARDS (SSABs)

Definition:

Community Advisory Groups (CAGs) are public forums for people with diverse community interests to formally present and discuss their needs and concerns about a site in their neighborhood. CAGs may receive help from EPA; state, tribal and local governments; and universities in such areas as supporting and participating in training, and assisting with administrative support and meeting facilitation.

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. Restoration Advisory Boards (RABs)

provide a forum through which members of nearby communities can provide input to DoD's environmental restoration program.

RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

Definition of Accomplishment:

CAG Established Date: The establishment of the Community Advisory Group is defined as the date of the first meaningful (not interest finding) Community Advisory Group Meeting (Action Name Pending).

RAB/SSAB Established Date: The establishment of the RAB/SSAB is defined as the actual complete date (Actual Complete) of the initial RAB/SSAB information meeting. (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

RAB Adjourned Date: Date the RAB is adjourned by DoD.

SSAB Terminated Date: Date the SSAB is terminated by the Secretary of Energy.

Changes in Definition FY 98 - FY 99/00:

This is a new GPRA measure.

Special Planning/Reporting Requirements:

This is a GPRA measure. The data management approach for tracking the adjournment of RABs and the termination of SSABs is still under development. Site Specific Advisory Board Meeting and Restoration Advisory Board Meeting are valid SubActions under Federal Facility Community Relations.

J.A.6 TECHNICAL ASSISTANCE GRANTS (TAGs)

Definition:

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. The technical assistance allows communities to improve the decision making process at their sites.

Definition of Accomplishment:

The start of the TAG (Action Name = Community Relations TA Grants) is the signature of the award agreement to the community group which is the obligation of funds for the TAG. The completion of the TAG is the date the grant is closed out by the Region.

Changes in Definition FY 98 - FY 99/00:

The completion of the TAG is the date it is closed out by the Region.

Special Planning/Reporting Requirements:

TAG Starts is a GPRA measure. The Region must also enter the following information into WasteLAN:

- Total Dollar Amount of Grant; and
- Initial Dollar Amount of Grant; and
- Waiver Amount, if applicable; or
- Deviation Amount, if applicable.

Planned start and completion dates are not required in WasteLAN. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at non-Federal facility sites are contained in the

response budget and found in the other response AOA. Funds for TAGs at Federal facility sites are contained in the Federal facility budget and found in the Federal facility AOA.

J.A.7 TECHNICAL OUTREACH SERVICES FOR COMMUNITIES (TOSC)

Definition:

TOSC provides independent scientific and technical assistance to communities dealing with hazardous substance contamination questions. TOSC provides information and education to empower communities with an understanding of technical issues to more effectively participate in environmental decisions. TOSC is a service of the University-based Hazardous Substance Research Centers (HSRCs) which are, in part, supported by grants from EPA.

Definition of Accomplishment:

The date of the commitment between the community and the HSRCs is reported in WasteLAN as the actual start date (Actual Start) of the TOSC (Action Name = Technical Outreach Services to Communities).

Changes in Definition FY 98 - FY 99/00:

This is a new program measure.

Special Planning/Reporting Requirements:

The Region must indicate on the Community Organizations Information screen that the organization is a TOSC recipient. This is a program measure.

J.B CIOC DATA SPONSOR RESPONSIBILITIES

J.B.1 ROLE OF CIOC AS A DATA SPONSOR

This document clarifies the relationship among data sponsors and data owners. Under the direction of the *Community Involvement and Outreach Center (CIOC)*, this document presents Superfund data and reporting requirements needed to accomplish the following goals:

- Enhance discussion among data sponsors and data owners;
- Improve data quality; and
- Update Superfund reporting requirements by fully employing the information in WasteLAN to meet all statutory and management reporting requirements (e.g., GPRA, CFO Act, CERCLA) on a real-time basis.

In the past, Headquarters has pulled CERCLIS data on the fifth working day of each month to support national reporting and significant calendar events. During FY 97, WasteLAN was implemented nationally and is the official data source for all national reporting. The transition to WasteLAN enables EPA to conduct real-time reporting which requires data to be current, complete, and consistent. Real-time reporting supports ad hoc requests, as well as statutory and management reporting requirements.

Community Involvement data are to be made available to Headquarters to support the purpose and to assist the data sponsor in meeting the program objectives. Significant calendar events for *Community Involvement* are included to identify what is current (i.e., reporting, special initiatives, etc.), complete (i.e., planned project schedules), and consistent with programmatic drivers.

J.B.2 NATIONAL PROGRAM REQUIREMENTS AND THE DATA SPONSOR ROLE

The following statutory, policy and management requirements establish the mandate for meeting the program requirements described in the rest of this Appendix. A description of program goals and objectives, statutory mandates, regulatory and policy requirements, as well as subsequent program reforms and redirection in measuring program results are included in this section.

Program Goals and Objectives

The goal of Superfund's community involvement program is to encourage communications with affected citizens and participation in decision-making. Community involvement is not a phase in Superfund, like a removal or remedial cleanup action, but rather it is an integral part of the entire process that benefits both the public and EPA. The program has three main objectives:

- Giving the public the opportunity to comment on and provide input into technical decisions that affect their lives;
- Informing the public of planned or ongoing activities and keeping them apprised of the nature of the environmental problem, the threats it may pose, the responses under consideration, and the progress that is being made; and
- Focusing and resolving conflict (conflict may be unavoidable in some circumstances, but it can be constructive if it brings into the open alternative viewpoints).

Statutory Mandates

Sections 113, 117 and 122 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), established eight principle requirements for community involvement:

- Developing a locally available administrative record;
- Establishing a locally available information repository;
- Notifying the public of the release of the Remedial Investigation/Feasibility Study (RI/FS) and Proposed Plan, and in the case of removal actions with a planning period of at least six months, the engineering evaluation/cost analysis (EE/CA);
- Providing a public comment period on the RI/FS, Proposed Plan, and EE/CA ;
- Holding a public meeting on the RI/FS and Proposed Plan;
- Developing a meeting transcript;
- Providing notice and comment period on the Administrative Order on Consent or Consent Decree;
- Developing a responsiveness summary on comments received on the RI/FS, Proposed Plan and EE/CA.

Regulatory and Policy Requirements

Section 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and subsequent policy directives and guidance documents establish the requirements for community involvement through every phase of Superfund's cleanup process. These requirements are presented Exhibit J.2.

Exhibit J.2
Community Involvement Requirements

| Site Activity | Requirement(s) | Citation (Source) |
|---|--|---|
| For All Removal Actions | | |
| Designate an Agency Spokesperson (Community Involvement Coordinator) | The Agency must designate a spokesperson to inform the public about the release and actions taken, to respond to questions, and to notify immediately affected citizens, State and local officials and, when appropriate, civil defense or emergency management agencies. | NCP, Section 300.415(m)(1) |
| Administrative Record | The Agency must establish an administrative record and make the administrative record available to the public at a central location at or near the site, if applicable. | SARA Section 113(k); NCP Section 300.820 |
| For Removal Actions with Planning Period of Less Than 6 months | | |
| Notice and Availability of Administrative Record | Within 60 days of the start of on-site removal activity, the lead Agency must make the administrative record available to the public and issue a notice of availability in a major local newspaper of general circulation. | NCP Sections 300.415(m)(2)(I) and 300.820(b)(1) |
| Public Comment Period | The Agency must provide a public comments period, if appropriate, of not less than 30 days from the time the administrative record is made available for public inspection. | NCP Section 300.415(m)(2)(ii) |
| Response to Significant Comments | The Agency must prepare a written response to significant comments. | NCP Section 300.415(m)(2)(iii) |
| For Removal Actions Expected to Extend Beyond 120 Days | | |
| Community Interviews | By the end of the 120-day period, the Agency must conduct interviews with local officials, public interest groups, or other interested parties to determine their concerns and information needs, and to learn how citizens would like to be involved in the Superfund process. | NCP Section 300.415(m)(3)(I) |
| Community Relations Plan (CRP) | The Agency must prepare a CRP, based on community interviews and other relevant information, that specifies the community involvement/outreach activities the Agency plans to undertake during the response. The Agency must complete this CRP within 120 days of the start of on-site removal activity. | NCP Section 300.415(m)(3)(ii) |

| Site Activity | Requirement(s) | Citation (Source) |
|--|---|--------------------------------|
| Information Repository Establishment and Notification/ Notice of Availability of Administrative Record | Within 120 days of the start of on-site removal activity, the Agency must establish at least one information repository at or near the location of removal actions that contains items available for public inspection and copying. The Agency must inform the public of the establishment of the information repository and provide notice of the availability of the administrative record in the repository. | NCP Section 300.415(m)(3)(iii) |
| For Removal Actions with a Planning Period of at Least Six Months | | |
| Community Interviews and Community Relations Plan (CRP) | The Agency must follow the same procedures as outlined in the previous section, except that staff must conduct interviews and prepare a CRP prior to completion of the engineering evaluation/cost analysis (EE/CA) | NCP Section 300.415(m)(4)(I) |
| Information Repository Establishment and Notification/ Notice of Availability of Administrative Record | The Agency must follow the same procedures as outlined in the previous section, except that staff must establish the information repository and make the administrative record available no later than the signing the EE/CA approval memorandum | NCP Section 300.415(m)(4)(I) |
| Notice of Availability/ Description of EE/CA | The Agency must publish a notice of availability and a brief description of the EE/CA in a major local newspaper of general circulation. | NCP Section 300.415(m)(4)(ii) |
| Public Comment Period | Upon completion of the EE/CA, the Agency must provide at least 30 days for the submission of written and oral comments. The Agency must extend this comment period at least 15 days upon timely request. | NCP Section 300.415(m)(4)(iii) |
| Responsiveness Summary | The Agency must prepare a written response to significant comments and make this responsiveness summary available to the public in the information repository. | NCP Section 300.415(m)(iv) |

| Site Activity | Requirement(s) | Citation (Source) |
|--|--|--|
| Remedial Responses | | |
| Prior to Remedial Investigation (RI) | | |
| Community Interviews | The Agency must hold on-site discussions with local officials and community members to assess their concerns and determine appropriate community involvement activities. | NCP Section 300.430(c)(2)(I) |
| Community Relations Plan (CRP) | The Agency must develop and approve a complete CRP based on community interviews before RI field activities start. | NCP Section 300.430(c)(2)(ii) (A-C) |
| Information Repository | The Agency must establish an information repository to contain items developed, received, published, or made available pursuant to SARA Section 117. The Agency must make these items available for public inspection and copying and inform interested citizens of the establishment of the information repository. | SARA Section 117(d); NCP Section 300.430(c)(2)(iii) |
| Technical Assistance Grant (TAG) Notification | The Agency must inform the public of the availability of TAGs and include in the information repository material that describes the TAG application process. | NCP Section 300.430(c)(2)(iv) |
| Upon Commencement of Remedial Investigation | | |
| Administrative Record | The Agency must establish an administrative record. The Agency must consider the participation of interested persons when developing the administrative record. | SARA Section 113(k); NCP Section 300.815 |
| Administrative Record Notification | The Agency must publish a notice of availability of the administrative record in a major local newspaper of general circulation. | NCP Section 300.815 |
| Upon Completion of the Feasibility Study (FS) and Proposed Plan | | |
| RI/FS and Proposed Plan Notification and Analysis | The Agency must publish a notice of the availability of the RI/FS and proposed plan, including a brief summary of the proposed plan, in a major local newspaper of general circulation. The notice also must announce a comment period. | SARA Section 117(a); NCP Section 300.430(f)(3)(I)(A) |
| Public Comment Period on RI/FS and Proposed Plan | The Agency must provide at least 30 days for the submission of written and oral comment on the RI/FS and proposed plan. This comment period will be extended by a minimum of 30 additional days upon timely request. | SARA Section 117(a)(2); NCP Section 300.430(f)(3)(c) |

| Site Activity | Requirement(s) | Citation (Source) |
|--|---|---|
| Public Meeting | The Agency must provide an opportunity for a public meeting to be held at or near the site during the comment period. | SARA Sections 113 and 117(a)(2); NCP Section 300.430(f)(3)(I)(E) |
| Meeting Transcript | The Agency must prepare a meeting transcript and make it available to the public | SARA Section 122(I); NCP Section 300.430(c)(5)(I) |
| Responsiveness Summary | The Agency must prepare a response to significant comments, criticisms, and new data submitted on the proposed plan and RI/FS, and ensure that this response document accompanies the ROD. | SARA Sections 113 and 117(b); NCP Section 300.430(f)(3)(I)(F) |
| Pre-ROD Significant Changes | | |
| Discussion of Significant Changes | Upon determination that such changes could be reasonably anticipated by the public, the Agency must include in the ROD a discussion of significant changes and the reasons for such changes. | NCP Section 300.430(f)(3)(ii)(A) |
| Revised Proposed Plan and Public Comment | Upon determination that such changes could not have been reasonably anticipated by the public, the Agency must issue a revised proposed plan that includes a discussion of the significant changes and the reasons for such changes. The Agency must seek additional public comment on the revised proposed plan. | NCP Section 300.430(f)(3)(ii)(B) |
| After the ROD is Signed | | |
| ROD Availability and Notification | The Agency must make the ROD available for public inspection and copying at or near the site prior to the commencement of any remedial action. Also the Agency must publish a notice of the ROD's availability in a major local newspaper of general circulation. The notice must state the basis and purpose of the selected action. | NCP Section 300.430(f)(6) |
| Revision of the CRP Site Activity | Prior to the remedial design, the Agency should revise the CRP, if necessary, to reflect community concern, as discovered during interviews and other activities, that pertains to the remedial design and construction phase. | NCP Section 300.435(c)(1) |

| Site Activity | Requirement(s) | Citation (Source) |
|---|--|--|
| Post-ROD Significant Changes | | |
| <i>Differs significantly from remedy in terms of scope, performance or costs:</i> | | |
| Notice and Availability of Explanation of Significant Differences | The Agency must publish a notice that briefly summarizes the explanation of significant differences and the reasons for such differences in a major local newspaper, and make the explanation of significant differences and supporting information available to the public in the administrative record and information repository. | NCP Section 300.435(c)(2)(I)(A) and (B) |
| <i>Fundamentally alters the basic features of the selected remedy with respect to scope, performance or cost;</i> | | |
| Notice of Availability/Brief Description of Proposed ROD Amendment | The Agency must propose an amendment to the ROD and issue a notice of availability and a brief description of the proposed amendment in a major local newspaper of general circulation. | NCP Section 300.435(c)(2)(ii)(A) |
| Public Comment Period, Public Meeting, Meeting Transcript, and Responsiveness Summary | The Agency must follow the same procedures as that required for completion of the FS and proposed plan. | NCP Section 300.435(c)(2)(ii)(B)-(F) |
| Notice and Availability of Amended ROD | The Agency must publish a notice of availability of the amended ROD in a major local newspaper and make the amended ROD and supporting information available for public inspection and copying in the administrative record and information repository prior to commencement of the remedial action affected by the amendment. | NCP Section 300.435(c)(2)(ii)(G) and (H) |
| Remedial Design (RD) | | |
| Fact Sheet and Public Briefing | Upon completion of the final engineering design, the Agency must issue a fact sheet and provide a public briefing, as appropriate, prior to beginning remedial action. | NCP Section 300.435(c)(3) |
| NPL Additions | | |
| Publication of Proposed Rule and Public Comment Period | EPA must publish the proposed rule in the <i>Federal Register</i> and seek comments through a public comment period. | NCP Section 300.425(d)(5)(I) |

| Site Activity | Requirement(s) | Citation (Source) |
|--|---|---------------------------------------|
| Publication of Final Rule and Response to Comments | EPA must publish the final rule in the <i>Federal Register</i> and respond to significant comments and significant new data submitted during the public comment period. | NCP Section 300.425(d)(5)(ii) |
| NPL Deletions | | |
| Public Notice and Public Comment Period | EPA is required to publish a notice of intent to delete in the <i>Federal Register</i> and provide notice of the availability of this announcement in a major local newspaper. EPA must also provide a comment period of at least 30 days on the proposed deletion. | NCP Section 300.425(e)(4)(I) and (ii) |
| Public Access to Information | Copies of information supporting the proposed deletion must be placed in the information repository for public inspection and copying. | NCP Section 300.425(e)(4)(iii) |
| Response to Significant Comments | EPA must respond to each significant comment and any significant new data submitted during the comment period and include these responses in the final deletion package. | NCP Section 300.425(e)(4)(iv) |
| Availability of Final Deletion Package | The final deletion package must be placed in the local information repository once the notice of final deletion has been published in the <i>Federal Register</i> . | NCP Section 300.425(e)(5) |

Superfund Reforms

Since 1993, EPA has launched three round of reforms to address criticisms raised by affected parties and to improve the pace, cost and public participation aspects of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. The following are reforms related to the Community Involvement area: Community Advisory Groups; Technical Assistant Grants (TAGs), Community Involvement in the Enforcement Process Pilots, Pilot Remedy Selection by Selected States and Tribes, Pilot Community Based Remedy Selection, Superfund Ombudsman in Every Region, and Improve Communication with Superfund Stakeholders.

Government Performance and Results Act (GPRA)

GPRA was enacted to gradually shift the focus of Superfund program management from administrative program success to a results-oriented future in which the program is held accountable for its actions. Community involvement data is used to support GPRA Objective #1: Reducing or Controlling Risks to Human Health and the Environment.

The Community Involvement GPRA performance measures are located under: Subobjective 1.02 Respond to Superfund Hazardous Waste Sites - By 2005, EPA and its state, tribal, and federal partners will reduce the risks that Superfund sites pose to public health and the environment by: (1) completing construction at a total of 1,200 NPL sites; (2) conducting 2,400 additional Superfund removal actions; (3) determining if Superfund cleanup is needed at 85% of the sites entered into the Superfund database (CERCLIS); (4) maximizing PRP participation in conducting/funding response actions; (5) meeting statutory deadlines for Federal facility activities. EPA will collaborate with States and Indian Tribes to enhance the Federal, state, and tribal Superfund program, reduce overlap among the programs, and leverage public and private resources to promote cost-effective, efficient cleanups of Superfund sites.

Also, the Superfund Federal facilities program will meet statutorily mandated deadlines for various Superfund activities.

Listed below are the actual Community Involvement performance measures:

- A representative number of Superfund communities surveyed.
- The number of RABs/SSABs at DOD and DOE NPL sites per year.
- The number of RABs at non-NPL BRAC Fast Track Installations per year.
- The number and value of Technical Assistance Grants.
- The number of information repositories.
- The number of Community Advisory Groups.
- The percent (low/high) of communities with strong understanding of site risks based upon the Superfund communities surveyed.
- The percent (low/high) of citizen satisfaction with fairness and openness of the decision-making process based upon the Superfund communities surveyed.

Reauthorization, Congressional Inquiries and Audits

WasteLAN is the primary data source to support Reauthorization and Congressional inquiries, as well as questions from the Inspector General (IG), and General Accounting Office (GAO). An example of inquiries specific to the Community Involvement program area is the number of Technical Assistance Grants provided.

J.B.3 CIOC HEADQUARTERS AND REGIONAL ORGANIZATION

To meet these national program requirements, specific roles and responsibilities have been identified for the Headquarters' and Regional staff that work in the Community Involvement program area. The table below summarizes each of these positions along with their responsibilities.

EXHIBIT J.3
CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES

| Title | Responsibilities |
|--|---|
| Community Involvement and Outreach Center (CIOC) (HQ) | Facilitate WasteLAN staying closely aligned with the Superfund program, including developing and updating guidance that requires submission of these data for national reporting needs, maintaining and updating data element definitions, and developing and implementing the process of gathering, reviewing and entering the data into WasteLAN. |
| Director, CIOC (HQ) | Provide a synergy to create useful program policy and guidance to help the Regions achieve program goals. Act as the central point of contact for the Regions and is responsible for providing Regional coordination support. |
| CIOC Staff (HQ) and Community Involvement Managers (CIMs) (Regions) | Participate in program reviews, as well as prepare periodic reports on Regional accomplishments, progress on problems, and respond to quick turn-around, site specific requests for information from senior management for Congressional requests, Regional visits or other needs. Serves as a forum for sharing information, lessons learned and issues on community involvement activities. |
| CIMs, Remedial Project Managers (RPMs) and On Site Coordinators (OSCs) (Regions) | Ensure all data necessary to meet the requirements(s) are in WasteLAN to support their Regional reporting needs and commitments to Headquarters. |
| Community Involvement Coordinators (CICs) (Regions) | As the data owner, provide current, complete, and consistent data into WasteLAN that are necessary to met real-time reporting requirements and review data that are provided in hard copy or electronically submitted. |
| Information Management Coordinator (IMC) (Regions) | Coordinate with the CICs to ensure all data necessary to support reporting requirements are in WasteLAN on a real-time basis. |
| Budget Coordinator (Regions) | Ensure all data necessary to support the Regional budget are in WasteLAN prior to specified calendar events. |

J.B.4 TIMELINE

As EPA transitions to real-time reporting, the calendar of significant events will continue to drive specific program needs. However, in order to support ad hoc requests, data must be current, complete, consistent, and accurate at all times, which necessitates entry of data as they become available. Data owners have the additional responsibility of reviewing their data as they are available electronically to ensure data quality. Both real-time data entry and data review are to be completed prior to Headquarters *Community Involvement* significant calendar events which are listed below.

OCTOBER 1998 QUARTER 1 (FY 99)

- 7 HQ pulls 4th Quarter FY 98 accomplishment data from WasteLAN and provides for:
 - 1) Special program reports; and
 - 2) Initial FY 98 end-of-year Program Assessment
- 24 HQ pulls 4th quarter FY 98 accomplishment data from WasteLAN for review of end-of-year accomplishments

JANUARY 1999 QUARTER 2 (FY 99)

- 8 HQ pulls 1st Quarter FY 99 accomplishments data from WasteLAN and provides for special program reports.

MARCH 1999

- 6 HQ pulls data from WasteLAN for 3rd quarter AOA for FY 99

APRIL 1999 QUARTER 3 (FY 99)

- 6 HQ pulls accomplishment data from WasteLAN and provides for:
 - 1) Special program reports; and
 - 2) Mid-year work planning evaluation

JUNE 1999

- 5 HQ pulls planning information from WasteLAN:
 - 1) for fourth quarter AOA; and
 - 2) to support FY 00 and FY 01 budget request
- 5 HQ pulls financial data for analysis of Regional obligation/commitment rate

JULY 1999 QUARTER 4 (FY 99)

- 8 HQ pulls 3rd Quarter FY 99 accomplishments data from WasteLAN and provides for special program reports

JULY 1999(cont'd)

- 8 HQ pulls data from WasteLAN to review and analyze:
1) GPRA accomplishments, measures, pipeline workload, and FY 00 budget request;
2) Past Regional accomplishments and planned durations/dollars; and
3) Regional request for FY 00 budget reserve

AUGUST 1999

- 7 HQ pulls WasteLAN data to assist in preparation of the FY 01 budget

SEPTEMBER 1999

- 8 HQ pulls data from WasteLAN for first quarter FY 00 AOA

OCTOBER 1999 QUARTER 1 (FY 00)

- 6 HQ pulls 4th quarter FY 99 accomplishment data from WasteLAN and provides for:
1) Special program reports; and
2) Initial FY 99 end-of-year Program assessment
- 20 HQ pulls 4th quarter FY 99 accomplishment data from WasteLAN for review of end-of-year accomplishments

DECEMBER 1999

- 7 HQ pulls WasteLAN data for 2nd quarter AOA

J.B.5 PROGRAM MONITORING AND REPORTING

Each reporting and associated data acquisition requirement specific to *Community Involvement* is discussed below. The detail includes: data quality objectives, data needs, as well as reports and associated coding guidance.

Data Quality

One of the goals of the *Community Involvement* data sponsor is to ensure data quality which requires data to be correctly entered into WasteLAN. Although the methodology of acquiring and reviewing data may change over time, both will contain a quality assurance (QA) process to ensure data quality.

Current, complete, and consistent data in WasteLAN will meet the *Community Involvement* data sponsor goals and objectives, as well as support real-time reporting. The following defines what the *Community Involvement* data sponsor views as current, complete, and consistent data:

Current - Data need to be entered as actions occur.

Complete - For the particular data element, all needed information is provided.

Consistent - Data should be consistent nationally. Also, within WasteLAN, data should be entered consistent with the data element definitions. The data entered should be entered using the same standard across all Regions/HQ.

Management Reports

SCAP-04 (TAGs)

SCAP-15 (GPRA report)

WasteLAN provides the data necessary to support ad hoc requests as they relate to Reauthorization, GAO, and IG.

Coding Guidance

The coding guidance for SCAP measures will be reflected in the FY 99/00 Coding Guide.

Modifications (since last update)

Send all proposed changes to the appropriate data sponsor for review and approval and copy the Regional IMC. After the review of the proposed changes is completed, the data sponsor will send the changes to Robert White for review by Headquarters and Regional principals including Subject Matter Experts, Data Sponsors, and Senior Process Managers, if applicable. The preferred method is to mark-up a photo-copy of text you seek to change. The SPIM is a numbered EPA publication in loose leaf 3-ring binder format so that changes can be incorporated accordingly.

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